

Drug Injury Watch: Fosamax - Femur Fracture Lawsuits Wait On Rulings By Court Of Appeals

(Posted by Tom Lamb at www.DrugInjuryWatch.com on September 20, 2016)

The federal court Fosamax - femur fracture MDL has been in a "holding pattern" while the parties wait for the appellate court to issue rulings on at least two appeals regarding the Fosamax label, or package insert, information about the femur fracture side effect. And for the New Jersey state court Fosamax litigation, it appears that the presiding judge is content on waiting for the federal appellate court rulings to be issued.

Back in June 2015 U.S. District Judge Freda Wolfson of the District of New Jersey dismissed the last remaining cases in the Fosamax - femur fracture federal court MDL. However, those cases -- as well as some earlier dismissed Fosamax lawsuits concerning femur fractures -- could be reinstated if plaintiffs win an appeal currently pending before the U.S. Court of Appeals for the Third Circuit.

One of the main legal issues in those pending appeals is whether Merck could have strengthened the Fosamax drug label warnings about this apparent femur fracture side effect.

This little bit of "new" information about the Fosamax - femur fracture litigation comes from Merck's Form 10-Q SEC filing for the quarterly period ended June 30, 2016:

- The total number of pending femur fracture lawsuits filed against Merck is 4,400 -- down 25, from 4,405 as of 3/31/16
- The Fosamax federal court MDL case total numbers -- 20 pending and 1,035 dismissed, which are being appealed by plaintiffs -- are the same as they were as of 3/31/16
- The total number of New Jersey cases is down 20, from 3,040 as of 3/31/16
- The total number of California cases is down 5, from 300 as of 3/31/16

We do not know the disposition of those cases that have gone away, *i.e.*, dropped by plaintiffs who have given up or settled by Merck (which seems unlikely).

The reality is that this Fosamax - femur fracture status update sounds all too similar to the last one, and the one before that, etc.

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Attorney [Tom Lamb](#) represents people in personal injury and wrongful death cases involving unsafe prescription drugs or medication errors. The above article was posted originally on his blog, **Drug Injury Watch** – with live links and readers' Comments.
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