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## Novartis Blood Cancer Drug Suits Centralized In Florida

By **Hailey Konnath**

Law360 (August 10, 2021, 11:02 PM EDT) -- The Judicial Panel on Multidistrict Litigation on Tuesday centralized 18 suits alleging that Novartis Pharmaceuticals Inc.'s blood cancer drug Tasigna causes cardiovascular disease, finding that more suits over the drug are likely to crop up.

The panel issued an order centralizing the cases in the Middle District of Florida, rejecting Novartis' argument that there weren't enough actions to warrant the move. As of Tuesday, there were 18 suits and two potential tag-along actions over the drug in 13 different districts, according to the order.

But counsel for the plaintiffs have said that they're reviewing more than 200 potential new cases, the panel said. And 186 similar cases have been lodged in New Jersey state court, it noted.

"The prospect for informally coordinating so many actions with differing schedules before so many different judges seems labor-intensive and inefficient," the panel said.

Cancer patient and plaintiff Matthew Garland had advocated for centralizing the cases in New Jersey federal court or in the Southern District of Illinois, where his case was filed.

But the panel said Tuesday that the cases belong in Florida federal court, where there are more cases pending than in any other district.

"The Middle District of Florida offers a convenient and readily accessible district that is underutilized as a transferee forum," it said.

In his suit, Garland claims Novartis failed to warn of the risks that Tasigna causes arteries to harden and narrow, even though it warned doctors and patients in Canada. His March 2020 suit alleges he was diagnosed with blood cancer in 2006 and took Tasigna between 2013 and 2016.

"As a result of his use of Tasigna, plaintiff suffered severe peripheral vascular disease resulting in multiple procedures and ultimate amputation," Garland said.

At a **hearing in July**, Novartis urged the panel to reject the centralization bid brought by Garland, arguing that only four of the cases had been filed since the beginning of the year. All the actions in New Jersey state court suggest that the three firms that control all of the inventory have elected to pursue centralization in New Jersey and are preferring that forum," the company's attorney, Robert Johnston of Hollingsworth LLP, said at the time.

Meanwhile, Garland's attorney, Richard Elias of Elias LLC, told the panel that sending the cases to New Jersey presented a "unique opportunity to coordinate not only the federal litigation, but also the global Tasigna litigation."

Chris Oxx of Parker Waichman LLP, who represents other cancer patients who allegedly were harmed by Tasigna, agreed the cases should be consolidated in New Jersey.

"We are presented here with an exceptional opportunity to consolidate these cases, thereby allowing the court to coordinate with the New Jersey court to efficiently and uniformly resolve disputes across all cases," Oxx said at the time.

Elias told Law360 on Tuesday that the panel "recognized that these cases are screaming for coordination, and aptly dismissed Novartis's arguments to the contrary."

"The consolidation order helps ensure that these cases will reach a swift and just conclusion," he said.

Novartis representatives didn't immediately return requests for comment late Tuesday.

Garland is represented by Richard Elias of Elias LLC.

Additional plaintiffs are represented by Chris Oxx of Parker Waichman LLP.

Novartis is represented by Robert Johnston of Hollingsworth LLP.

The case is In Re: Tassigna (Nilotinib) Products Liability Litigation, case number 3006, before the Judicial Panel on Multidistrict Litigation.

--Additional reporting by Emily Field. Editing by Michael Watanabe.

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