

As lead national trial counsel to GE Healthcare, successfully argued before the U.S. Judicial Panel on Multidistrict Litigation to defeat plaintiffs' attempt to create an MDL involving gadolinium-based contrast agents.

2018

WTO successfully argued before the federal Judicial Panel on Multidistrict Litigation for GE Healthcare (GEHC), which manufactures Omniscan, a gadolinium-based contrast agent (GBCA) used in MRIs. Omniscan was part of a prior MDL, which WTO also defended, involving all GBCAs for a specific disease for a specific risk group (patients with severe kidney disease). The plaintiffs here asserted that a second GBCA MDL should be created for patients with normal kidney function with a purported different disease that the FDA has not accepted.

During the hearing, WTO argued that there were too few cases against GEHC for an MDL, that GEHC's cases were differently situated from other manufacturers (unlike the prior MDL), and that the plaintiffs' alleged injuries were too varied to support an MDL. While this can be a difficult argument to make for a pharmaceutical product, the panel agreed.

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By defeating this attempt to create an MDL, WTO prevented an unnecessary consolidation of disparate actions.