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J&J Loses Bid To DQ Beasley Allen From Talc MDL Committee

By **George Woolston**

Law360 (July 17, 2025, 4:42 PM EDT) -- A New Jersey federal judge on Thursday denied Johnson & Johnson's bid to remove the Beasley Allen Law Firm from the plaintiffs steering committee in the multidistrict talc litigation but said that changes would be made to the committee's structure.

U.S. Magistrate Judge Rukhsanah L. Singh sided with Beasley Allen in the interest of moving along the nearly decade-old case accusing J&J of selling carcinogenic talc-based baby powder that is now the largest multidistrict litigation in the country, but said the court would enter an order directing the plaintiffs steering committee to select another firm to lead settlement discussions.

"That way, we can move along some of the issues in settlement discussions," the magistrate judge said.

J&J **argued** Beasley Allen was unfit to be a member of the steering committee due to what it described as a "severe breach of trust" committed by Beasley Allen and attorney Andy Birchfield during its talc unit's **bankruptcy proceedings** in Texas.

According to J&J, Birchfield and Beasley Allen certified that more than 11,000 clients had given informed consent to vote against J&J's over \$10 billion prepackaged reorganization plan in its talc unit's third bankruptcy proceeding held earlier this year.

But the bankruptcy court found that the firm had only received 3,000 affirmative responses and ruled that all the votes were invalid, the company said. And 21 of the claimants certified that they voted in favor of the plan through their counsel of choice, Jim Onder of OnderLaw, and that Beasley Allen allegedly cast votes on their behalf against the plan without their consent.

Beasley Allen's lack of communication with the claimants and OnderLaw show that the firm cannot be an effective member of the steering committee, Steven D. Brody of O'Melveny & Myers LLP argued on behalf of J&J during oral argument Thursday.

"You can't have any confidence at all that Beasley Allen in a leadership position can accurately represent the interests held by the plaintiffs in this litigation," Brody said.

Brody further argued that ongoing litigation between Beasley Allen and The Smith Law Firm PLLC, another major player in the talc litigation against J&J, also warrants Beasley Allen's removal, as does the fact that Beasley Allen has "completely eroded the ability to work cooperatively with Johnson & Johnson."

"It's clear that both sides cannot come together if Beasley Allen remains on the plaintiffs steering committee," Brody said.

Beasley Allen argued that while the Texas bankruptcy court found irregularities with every party involved in the proceedings, the court did not find that any party acted in bad faith and that J&J's attempt to single out Beasley Allen is for one reason.

"They want to take out their strongest adversary," said counsel for Beasley Allen, Jeffrey M. Pollock of Pollock Law LLC.

Pollock further argued that Beasley Allen should remain on the steering committee because Birchfield, attorney Leigh O'Dell and the firm have been a leader in trying talc litigation cases since 2014, that they have the resources to represent their clients in the litigation and that they are not easily replaceable.

"These people are like the 1927 Yankees Murderers' Row," Pollock said. "They're completely committed to the cause of action."

Judge Singh's ruling is the latest blow in J&J's **ongoing fight** to limit or outright remove Beasley Allen, Birchfield and O'Dell from representing plaintiffs in the litigation.

J&J has previously sought to have the firm disqualified from the case over its purportedly unethical connections with a former J&J outside counsel. Beasley Allen **defeated** that disqualification bid in state court last July, while its bid to disqualify the firm in federal court remains pending.

Most recently, J&J has **lost its challenge** to the pro hac vice admissions of Birchfield and O'Dell in state court.

In a statement on Thursday, J&J Vice President of Litigation Erik Haas said the company was anticipating the court's decision on its move to disqualify the firm.

"We appreciate the court's recognition that Beasley Allen's leadership role must be curtailed, and we look forward to the decision on our pending motion whether its ethical breaches warrant disqualification," Haas said.

Pollock said in a statement Thursday that the decision rightfully rejects the pharmaceutical company's "repeated and baseless attempts to silence" Beasley Allen.

"This decision exposes J&J's desperate litigation tactics for what they truly are — a calculated strategy to eliminate their strongest adversaries rather than face accountability for their asbestos-laden talc products. The court has affirmed that Beasley Allen will continue fighting for fair and reasonable compensation for the women and families devastated by J&J's deadly products," Pollock said.

Beasley Allen is represented by Jeffrey M. Pollock of Pollock Law LLC.

J&J is represented by Stephen D. Brody of O'Melveny & Myers LLP and Susan M. Sharko of Faegre Drinker Biddle & Reath LLP.

The steering committee is represented by Christopher M. Placitella of Cohen Placitella & Roth PC, Michelle A. Parfitt of Ashcraft & Gerel LLP and Leigh O'Dell of the Beasley Allen Law Firm.

The federal multidistrict litigation is In re: Johnson & Johnson Talcum Powder Products Marketing, Sales Practices and Products Liability Litigation, case number 3:16-md-02738, in the U.S. District Court for the District of New Jersey.

--Additional reporting by Jake Maher. Editing by Haylee Pearl.

Update: This story has been updated with comments from a Johnson & Johnson representative and counsel for Beasley Allen.