

News **Mass Torts**

## Critical Mass With Law.com's Amanda Bronstad: Johnson & Johnson Takes Talc Fights Back to Court, Kirkland & Ellis Leads Surge in Product Liability Lawyers

June 18, 2025 By  **Amanda Bronstad**



Judge John Porto. Courtesy photo

Welcome to **Law.com Class Actions: Critical Mass**, a weekly briefing for class action and mass tort attorneys.

**This week:** New Jersey's **Atlantic County Superior Court Judge John Porto** will hear arguments Thursday on whether to bar the *pro hac vice admissions* of two **Beasley Allen** lawyers in talc litigation. **Kirkland & Ellis** leads several defense firms bolstering litigation practices in the mass tort space. Find out who stepped into a dozen data breach class actions to represent **Keffer Development Services** and the **University of Michigan**, whose ex-football coach is accused of hacking into a database of student athletes.

I'm **Amanda Bronstad**. Feel free to reach out to me with your input. My email is [abronstad@alm.com](mailto:abronstad@alm.com). Follow me on [LinkedIn](#) or X: [@abronstadlaw](#)



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## **‘This Case Is Enormous:’ Talc Back in Court**

A hearing in **Johnson & Johnson’s** ongoing fight against **Beasley Allen** takes place Thursday in New Jersey, when **Atlantic County Superior Court John Porto** decides whether to ban the *pro hac*

*vice* admissions of two of the Alabama firm's principals, Andy Birchfield and Leigh O'Dell, who've been leading the charge in talcum powder lawsuits.

"Their admission would be detrimental to the prompt, fair and efficient administration of justice, as well as the interests of J&J," wrote Johnson & Johnson attorney Jessica Brennan (**Barnes & Thornburg**) in a May 29 opposition, citing a "myriad of ethical issues" with Beasley Allen.

Beasley Allen attorney Jeffrey Pollock (**Pollock Law**), in a June 10 reply, countered, "Under New Jersey case law, motions to disqualify, which is in essence what J&J's applications to bar *pro hac vice* admission amounts to, are highly suspect because they are often used – as is the case here – not for any valid reason but rather to gain strategic advantage by removing a strong opposing counsel."

Porto, who is overseeing the talc multicounty litigation in New Jersey state courts, rejected a similar attempt by Johnson & Johnson last year to disqualify Beasley Allen. Johnson & Johnson has appealed that decision, but the New Jersey Appellate Division has yet to schedule oral arguments.

**Meanwhile, on Monday:** Johnson & Johnson closed out another trial tying its baby powder to mesothelioma, this time in **Suffolk County Superior Court** in Massachusetts, where jurors are deliberating. Johnson & Johnson attorney Bruce Hurley (**King & Spalding**) told jurors that plaintiff Janice Paluzzi was exposed to asbestos from the John Hancock building where her three sons worked, according to Courtroom View Network. Paluzzi's lawyer, Ben Braly (**Dean Omar**) asked jurors for at least \$45 million in past pain and suffering, stating:

*"This case is enormous. It's one of the biggest cases I've ever worked on in my career, and certainly Janice Paluzzi's one shot."*





Mark Jones of Nelson Mullins. Courtesy photo

## Defense Firms Bet Big On Mass Torts: ‘There’s So Much At Stake’

Big defense firms like **Kirkland & Ellis** and **Nelson Mullins** have beefed up their product liability practice areas so far this year, reflecting growing demand for high-stakes litigators in mass torts.

Here’s the report from my **ALM** colleagues **Aleeza Furman** and **Jon Campisi**. Kirkland & Ellis, the highest-grossing firm in the world, already has brought in 100 additional litigators in 2025 and launched a new office in Philadelphia, poaching partners from **Skadden Arps**, like Johnson & Johnson talc counsel Allison Brown, and **King & Spalding** partners Kristen Fournier, Kim Bueno and Morty Dubin last month. Other firms following suit are **Morgan Lewis** and **Nelson Mullins**.

Lawyers said the lure is a shift from commoditized products liability work, where the science is settled and billing rates compressed, to more bet-the-company litigation, which has expanded from pharmaceuticals and medical devices to include ultra-processed foods and PFAS. Aleeza

told me a lot of attorneys said there were more verdicts in the tens of millions, hundreds of millions and billions of dollars. One of them was Mark Jones (**Nelson Mullins**), who told her:

*"Because of what's at stake, you even see blue chip companies facing the potential for bankruptcy from time to time. There's so much at stake that there has to be a different approach on the defense side, helping companies navigate these large pieces of litigation."*



The entrance to the football stadium at the University of Michigan known as the Big House. Credit: Jack F Schultz/Adobe Stock

## Who Got the Work?

**Dillon McCandless** attorneys Thomas King and Jordan Shuber have appeared for athletic trainer system software developer **Keffer Development Services**, which is accused in about a dozen lawsuits of failing to protect thousands of student athletes at multiple universities from having their personal information accessed by ex-**University of Michigan** football coach Matthew Weiss,

who was indicted this year on criminal charges. Data breach lawsuits allege Weiss hacked social media, email and cloud storage accounts to obtain photos and other sensitive information of 3,300 individuals, mostly female student athletes, from 2015 to 2023. This month, King asked the **U.S. Judicial Panel on Multidistrict Litigation** to coordinate the cases in the **Eastern District of Michigan**. Sheldon Klein (**Butzel Long**) also appeared for the University of Michigan.

Here's what else is happening:

**RICO Repeat:** **3M** filed a racketeering lawsuit against three plaintiffs' lawyers who allegedly filed fraudulent claims on behalf of coal miners with black lung disease. The June 13 suit, filed in the **U.S. District Court** for the **Eastern District of Kentucky**, named Glenn Hammond (**Glenn Martin Hammond Law Office**), Johnny Givens (**Givens Law Firm**) and Mike Martin (**Martin Walton**). The suit alleges violations of the **U.S. Racketeer Influenced and Corrupt Organizations (RICO) Act**. It comes a month after **Ford** filed its own RICO case against five lemon law lawyers in Southern California.

**'Grossly Excessive':** A Maryland state court judge overruled a jury's \$266 million opioid damages award for the city of **Baltimore**, calling it "grossly excessive." The June 12 decision by **Baltimore City Circuit Court Judge Lawrence P. Fletcher-Hill** came in the city's public nuisance case against two drug companies, **McKesson Corp.** and **Cencora Inc.**, formerly AmerisourceBergen. The judge ordered a new trial unless the city accepts a remittitur of \$51.8 million in damages. Separately, on Monday, attorneys general in 55 states and U.S. territories signed onto a \$7.4 billion opioid settlement with **Purdue Pharma** and its founders, the Sackler family, that was reached earlier this year. Local governments can participate in the deal, which is pending approval.

**Kennedy Concerns:** Despite defense bar concerns about **Donald Trump's Make America Healthy Again Report**, and related **FDA** advisory panels on talc and infant formula, plaintiffs' lawyers who sue over many of the same products in the health initiatives stopped short of calling it "ammo" for their lawsuits. The report, issued on May 22, focuses on health problems affecting children and covers pesticides, microplastics, heavy metals and ultra-processed foods – all of which have been subjects of lawsuits. And **U.S. Health and Human Services Secretary Robert F. Kennedy** is a trial lawyer who continues to be affiliated with some plaintiffs' firms. But most plaintiffs' attorneys, while welcoming the spotlight on the products, cast doubt on whether the report or the panel findings would be helpful in trials.

*Thanks for reading Critical Mass! I'll be back next week.*

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