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Philadelphia's Mass Tort Inventory Falls to Yearslong Low as Risperdal Cases Dwindle

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[Mass Torts](#)

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What You Need to Know

- Philadelphia's Complex Litigation Center has seen a dramatic reduction in mass tort caseload since 2020.
- The shift comes as large mass tort programs such as Risperdal wind down.
- According to **Kline & Specter's Thomas Kline**, the CLC's current mass tort programs are unlikely to reach the scale of the Risperdal litigation.

Philadelphia's Complex Litigation Center has shed hundreds of cases from its docket in recent months as what was once its dominant mass tort program winds down.

With a clearing of cases in the center's Risperdal litigation, Philadelphia's mass tort inventory is now down more than 60% from the start of 2020, according to court data.

The Philadelphia Court of Common Pleas' current mass tort caseload is 4,216. In comparison, Risperdal alone accounted for 6,912 cases in the CLC in 2019.

The Risperdal program, which for several years was the largest mass tort in the CLC, had already dwindled since a significant 2019 verdict led many cases to settle.

And in recent months, it shrank even further. Since February, the Risperdal litigation has decreased by two-thirds to include fewer than 330 cases.

"By and large, what's going on is largely a cleaning up of the dockets," said **Thomas Kline, a partner at Kline & Specter.**

In March and April, in particular, the defendants filed partial discontinuances for scores of cases.

According to Kline, those filings are typically a tool for accounting for and clearing unsettled cases.

Kline was one of the plaintiffs attorneys who led the Risperdal litigation at its peak. He stepped down as liaison counsel in February 2022 and said he is no longer closely involved in the litigation.

The current plaintiffs liaison counsel, Feldman & Pinto partner Rosemary Pinto, declined to comment.

David Abernathy, a partner with Faegre Drinker Biddle & Reath representing defendant Janssen, did not respond to a request for comment, nor did a Janssen media representative.

Kline said the Risperdal docket reflects a mass tort in its final stages.

The litigation's reduced inventory is now comparable to that of the CLC's more recently created programs, which each contain between 100 to 400 cases.

According to Kline, those programs are unlikely to expand to match Risperdal's size.

He said the Risperdal program accumulated thousands of cases because the CLC was the main site of all litigation in the country over the product. Janssen's Pennsylvania base made Philadelphia an appropriate court to host cases brought by plaintiffs from across the United States, Kline said

The CLC's newer mass torts, which include products litigation over weedkillers Roundup and Paraquat and medications Elmiron and Zantac, encompass smaller groups of plaintiffs.

Kline said rules surrounding jurisdiction and venue make it less common for Philadelphia's mass torts to amass thousands of cases.

"If there is a defective product or defective prescription medication by a Pennsylvania manufacturer or a Pennsylvania-based pharmaceutical company ... it could happen again."

But, Kline said, the smaller inventories don't equate to lesser cases. "You can't judge the stakes of the parties just by the number of cases filed," he said.

According to Kline, the products at issue in the CLC's newer programs are still the subjects of significant litigation—it's just spread between more courts.

More important than the number of cases filed in any one court, Kline said, is the outcome of bellwether trials.

Kline said often matters with larger inventories eventually settle, and the central issue between the parties is what the values of the cases are.

“There’s been one great equalizer in mass torts, and that’s getting cases marched towards a courtroom and getting cases decided by juries, which usually sets the parameters of the litigation,” Kline said.