

Goza & Honnold Newsletter

With 2019 around the corner, we're updating you on our active litigation and sharing some important news in the pharmaceutical and medical device fields. As always, we are grateful for your referrals and support, and we look forward to working with you on additional cases in the future.

First Roundup Trial Results in \$289M Verdict for Plaintiff

Monsanto's herbicide Roundup has for decades been one of the world's most popular products for home and commercial weed treatment. We started pursuing litigation related to Roundup when we learned its active ingredient, glyphosate, has the potential to cause non-Hodgkin Lymphoma. Monsanto appears to have known for many years that glyphosate is a probable carcinogen and worked to conceal this information from the public.



The first Roundup trial against Monsanto concluded on August 10, 2018, with a verdict in favor of the plaintiff, Dewayne Johnson. Johnson, 42, was diagnosed with non-Hodgkin's lymphoma after working as a school groundskeeper. As part of his job, he regularly sprayed large quantities of Roundup. A jury in San Francisco awarded Johnson damages of \$289 million — \$39 million in compensatory damages and \$250 million in punitive damages — finding that Monsanto's herbicide caused or contributed to Johnson's terminal cancer.

In October, however, San Francisco Superior Court Judge Suzanne Bolanos dramatically reduced the award, cutting punitive damages to \$39.25 million. Rather than moving for a new trial, Johnson accepted the reduced total award of \$78 million. Johnson, who is still terminally ill, said through his lawyer that he is accepting the lower award in hopes he will see the resolution to his claims within his lifetime.

We are pushing forward on the Roundup litigation and would be happy to discuss your potential Roundup case with you.

Goza & Honnold Attorneys Preparing Xarelto Cases for Trial

Goza & Honnold partners Kirk Goza and Brad Honnold have been extensively involved in the battle against the manufacturers of Xarelto. Brad Honnold is a member of the Plaintiffs' Steering Committee (PSC) in the national Xarelto Multidistrict Litigation and performs vital functions, including trial work and development of overall case strategy.

Xarelto is a blood thinner manufactured and marketed by Bayer and Janssen Pharmaceuticals (a subsidiary of Johnson & Johnson). Blood thinners, or anticoagulants, are prescribed to prevent or treat blood clots in the lungs or in the veins. Anticoagulants are also prescribed to lower the chance of stroke in patients with atrial fibrillation. Xarelto was aggressively marketed as a one-size-fits-all dose with no monitoring necessary. However, Xarelto has been linked to thousands of adverse events, including hemorrhagic strokes, gastrointestinal bleeding, and death.

Currently, there are almost 20,000 cases filed by plaintiffs from across the United States against the Xarelto manufacturers. The majority of these cases are pending in the MDL. There are also more than 1,000 Xarelto cases filed in Pennsylvania state court, in the Philadelphia Court of Common Pleas. Kirk and Brad are continuing to battle Bayer and Janssen about this drug and are currently preparing additional Xarelto cases for trial.

Please feel free to contact us if you believe you or a loved one has been injured as a result of taking Xarelto.



Understanding the Signs of Nursing Home Abuse and Neglect

Some of the most emotional and complex cases we litigate involve nursing home abuse and neglect. Statistics show that elderly and ill persons are highly susceptible to mistreatment, which means it is vital that they have advocates both inside their care facilities and inside courtrooms.



We encourage relatives to watch for signs of abuse and neglect in their loved ones, which can include:

- Unexplained and/or frequent bruising or lacerations
- Bed sores or pressure sores
- Poor hygiene
- Changes in disposition, such as becoming withdrawn
- Comments regarding particular staff or personnel
- Unexplained or sudden weight loss
- Diagnoses of sexually transmitted diseases

If you suspect your loved one is suffering from nursing home abuse or neglect, you should contact an attorney immediately. Our firm has successfully litigated nursing home cases in both Kansas and Missouri, and we would be happy to investigate the facts of your case. If you would like more information about elder abuse and neglect, visit the website for the National Center on Elder Abuse at ncea.acl.gov.

Medical Devices and Women's Health: Vaginal Rejuvenation

A growing list of medical devices involve women's health issues, the latest of which to make news are "energy-based" devices for "vaginal rejuvenation" procedures. While "vaginal rejuvenation" is not a well-accepted medical term, it is generally used to describe a procedure that addresses symptoms associated with aging, onset of menopause, or the effects of childbirth. These symptoms may include vaginal laxity, loss of tone, dryness, and decreased sensitivity. Previously, many women wanting to resolve these issues turned to invasive plastic surgeries.

Energy-based devices, however, are not surgeries. They use laser or radiofrequency energy to heat up vaginal wall tissue to supposedly help promote collagen production, thereby tightening and toning the vagina. However, the FDA has only cleared or approved laser and energy-based devices for the treatment of serious gynecological conditions, like the destruction of abnormal or pre-cancerous tissue and removal of genital warts.

In a recent press release, the FDA warned that the "safety and effectiveness of these devices hasn't been evaluated or confirmed by the FDA for 'vaginal rejuvenation.'" In addition to the deceptive health claims the device manufacturers have made with respect to vaginal rejuvenation, the procedures carry serious potential risks, which may include burning, scarring and chronic pain.



If you have or a loved one has been injured by an energy-based device used for vaginal rejuvenation, contact an attorney as soon as possible. Our attorneys have extensive experience with medical device cases, litigating claims for injured people across the county. We are available to review the facts of your case and help you determine your legal options.

Goza & Honnold Investigating Vaping/E-Cigarette Injuries

E-cigarettes are rising in popularity, but many consumers are unaware of the serious dangers linked to these popular cigarette alternatives. E-cigarettes feature toxic ingredients and lithium-ion batteries known to combust without warning. Explosion-related injuries include severe burns, eye damage, amputations, and deaths. Other potential injuries include Bronchiolitis obliterans (popcorn lung), cardiovascular disease, addiction, reduced immune response, and altered brain development.



Amid growing concerns over the marketing of e-cigarettes to teens, our attorneys are investigating Juul pods and other vaping systems. These devices may expose teens to particularly high levels of nicotine, and this exposure could result in increased dependency and long-term adverse health consequences. The highly addictive fruit-flavored vaping pods contain as much nicotine as one pack of cigarettes. Parents of addicted teens are filing lawsuits against e-cigarette manufacturers, alleging that their patented recipes fueled teenage nicotine addictions.

If you believe your child has become addicted to nicotine because of e-cigarettes, such as JUUL, please contact us to discuss a potential legal claim for damages.

Obstetrical Malpractice Can Carry Lifetime Family Consequences

A significant portion of our practice is dedicated to obstetrical malpractice and birth injury cases. The birth of a child is an amazing and joyous event. However, every parent's worst fear is a newborn suffering an injury at birth that was preventable with appropriate care.



We understand that this is an extremely difficult and emotional time for families. Frequently, parents are reluctant to pursue litigation and do not want to spend time on anything that will detract them from providing necessary care to their children. Our attorneys understand that and do everything possible to minimize the disruption to the family while we investigate and pursue a legal claim. We take on the legal issues associated with these claims, so our clients can focus on what's most important: taking care of their families.

If a physician or nurse makes a critical mistake during pregnancy, labor, or delivery, both you and your child might have to live with the consequences for a lifetime. Medical bills and other related future treatment and rehabilitation costs can run into the millions of dollars. We can help evaluate your case and determine whether you might be eligible for a recovery that could help your child and family cope with these losses.

Goza & Honnold's medical malpractice trial attorneys have experience handling all types of birth injury cases. Please feel free to contact us with any questions you have concerning the circumstances surrounding the birth of your child.

Remember to Vote!

Tuesday, November 6, is Election Day. Goza & Honnold would like to remind all of our Newsletter readers to exercise the right to vote and cast their ballots before the polls close.

