

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE: JOHNSON & JOHNSON	:	MDL No. 2738
TALCUM POWDER PRODUCTS	:	Civil Action No.: 16-2738(FLW)
MARKETING, SALES PRACTICES	:	
AND PRODUCTS LITIGATION	:	ORDER
	:	
	:	

THIS MATTER having been opened to the Court by P. Leigh O’Dell, Esq. and Michelle A. Parfit, Esq., counsel for individual consumer-plaintiffs (“Plaintiffs”), on various motions to exclude defendants’ experts, and by Susan M. Sharko, Esq., counsel for Johnson & Johnson, Johnson & Johnson Consumer Inc. f/k/a Johnson & Johnson Consumer Companies, Inc., and Thomas P. Locke, Esq., counsel for Personal Care Products Council (collectively, Defendants”), on competing motions to exclude plaintiffs’ experts; it appearing that both parties filed opposition briefs to the motions; it further appearing that the Court held a *Daubert* hearing on July 23, 2019 through July 31, 2019, wherein Plaintiffs’ experts, Dr. Ghassan Saed, Dr. William Longo, Dr. Arch Carson, Dr. Anne McTiernan, and Dr. Daniel Clarke-Pearson, provided testimony, and defense experts, Dr. Benjamin Neel, Dr. Gregory Diette, and Dr. Cheryl Saenz, also appeared; it appearing that instead of calling every expert challenged by the motions, the parties selected these experts as representatives of each field of science involved in this case; it appearing that after the hearing, the parties submitted post-hearing briefs; it appearing that the Court having considered the parties’ extensive submissions and counsel’s arguments in connection with the motions, the Court renders its decision only with respect to the motions to exclude

concerning each of the experts who testified; accordingly, for the reasons set forth herein, and for good cause shown,

IT IS on this 27th day of April, 2020,

ORDERED that Defendants' Motion to Exclude the Expert Testimony of Dr. Saed is GRANTED in part and DENIED in part. Dr. Saed's testimony is limited to his opinion and testing that talcum powder causes inflammation and oxidative stress. Dr. Saed is not permitted to opine as to any connection between talcum powder use and ovarian cancer; it is further

ORDERED that Defendants' Motion to Exclude the Testimony of Dr. Longo is GRANTED in part and DENIED in part. Dr. Longo is permitted to opine as to his findings of asbestos in Defendants' talcum powder products based on his TEM analysis; however, any opinions based on his PLM analysis are excluded. Further, his opinion that women who used talcum powder products were exposed to asbestos is excluded as unreliable; it is further

ORDERED that Defendants' Motion to Exclude the Testimony of Plaintiffs' General Causation Experts—Drs. McTiernan, Carson, and Clarke-Pearson, is GRANTED in part and DENIED in part. Plaintiffs' General Causation Experts will not be permitted to testify as to their secondary theory of biological plausibility—*i.e.*, that ovarian cancer may be caused by inhalation of talcum powder that travels through the lymphatic system to the ovaries. They may otherwise testify as to their opinions on all other Bradford Hill factors; it is further

ORDERED Plaintiffs' Motion to Exclude the Testimony of Dr. Diette is

DENIED; it is further

ORDERED that Plaintiffs' Motion to Exclude the Testimony of Dr. Saenz is

DENIED; it is further

ORDERED that Plaintiffs' Motion to Exclude the Testimony of Dr. Neel is

DENIED; and it is further

ORDERED that the reasoning in the Court's Opinion filed herewith, applies with equal force to the remainder of the pending *Daubert* motions; and, in that regard, the parties are directed to confer and raise any issues, in a joint submission, with respect to specific experts, *e.g.*, qualifications, that are not covered by this Opinion, within 45 days of the date of this Order.

s/ Freda L. Wolfson
Freda L. Wolfson
U.S. Chief District Judge