

Sanofi-Aventis Wins Second Taxotere Verdict in Jury Bellwether

A federal jury came back with a defense verdict late Thursday night after two weeks of trial in New Orleans.

By Amanda Bronstad

Sanofi-Aventis has won its second bellwether verdict over its chemotherapy drug Taxotere.

A federal jury came back with a defense verdict late Thursday night after two weeks of trial in New Orleans. The trial is the second bellwether from among nearly 12,500 lawsuits coordinated in multidistrict litigation alleging that women who take Taxotere, which is used to treat breast cancer, never grow back their hair. The first bellwether trial ended in a defense verdict in 2019.

The jury found Sanofi-Aventis, which has U.S. headquarters in New Jersey, had not failed to warn of the side effect, which the U.S. Food and Drug Administration acknowledged in a labeling change in 2015.

“The jury’s decision is incredibly meaningful and reinforces that our client’s warning labels were adequate,” said Shook, Hardy & Bacon partner Hildy Sastre, in Miami, in a statement. “Taxotere remains an



Hildy Sastre

important chemotherapy option and we appreciate the jury’s finding.”

The jury spent 90 minutes deliberating, according to Shook.

Sastre, who led the defense trial team with partner Jon Strongman in Kansas City, Missouri, said that U.S. District Judge Jane Milazzo, who is overseeing the multidistrict litigation in the Eastern District of Louisiana,



Jon Strongman

flipped around the order of the jury questions this time around, asking jurors to determine the question of whether Sanofi-Aventis failed to warn before asking if Taxotere caused the plaintiff’s injuries. In the first trial, the jurors had to decide causation first.

“The reason she did that was to provide more meaningful

information in the context of an MDL,” she said.

The defense verdict, as a result, “certainly has the company feeling very good about where it’s at,” she said.

“This jury found the warning given, which is a warning applicative to thousands of cases in the MDL, was adequate,” Sastre said. “It does have inventory meaning.”

Lead plaintiff attorneys were Darin Schanker, of Denver’s Bachus & Schanker; David Miceli of David F. Miceli in Carrollton, Georgia; Christopher Coffin of Pendley, Baudin & Coffin in New Orleans; and Zachary Wool of Barrios Kingsdorf & Casteix in New Orleans.

“While disappointed in the result, we are confident that the evidence against Sanofi will result in positive verdicts for plaintiffs around the country in the future,” Coffin wrote in



an email. “We intend to appeal Ms. Kahn’s case, and we remain steadfast in our pursuit of justice on behalf of the more than 10,000 women who have filed cases in the Taxotere MDL.”

The plaintiff, Elizabeth Kahn, 63, a school librarian who lives in New

Orleans, began treatment for breast cancer in 2008, including four cycles of Taxotere as well as radiation and hormone therapy treatment and a lumpectomy.

Milazzo delayed the trial numerous times due to the COVID-19 pandemic.