

[Side Effects Blog: Federal Court Zofran MDL Motion; Generic Cases Filed In State Courts](#)

(Posted by Tom Lamb at www.DrugInjuryWatch.com on July 17, 2015)

SUMMARY: According a motion filed by GlaxoSmithKline (Glaxo) with the U.S. Judicial Panel on Multidistrict Litigation (JPML), as of early July 2015 there were 12 Zofran lawsuits filed in 10 different federal court jurisdictions.

Glaxo has requested a multidistrict litigation (MDL) be established for all Zofran lawsuits filed in the federal court system concerning Zofran's alleged association with birth defects. The drug company asked that the federal court Zofran MDL be assigned to the U.S. District Court, Eastern District of Pennsylvania -- in part because its US headquarters are located in Philadelphia, which is in that court jurisdiction.

We turn next to the possible birth defect lawsuits involving the many generic versions of Zofran, which are generally called Ondansetron. Unfortunately, back in 2011 the US Supreme Court basically gave legal immunity to generic drug manufacturers as regards state law "failure to warn" claims in products liability lawsuits involving any generic drug.

But in three states — California, Illinois, and Vermont — either a state court judge or a federal court judge has held that the so-called "innovator liability" is a valid legal cause of action. In those states, at least, it is possible that an Ondansetron - birth defect lawsuit could be filed against Glaxo.

In closing, be assured that we will watch for the federal court JPML decision on this possible Zofran MDL as well as monitor the future filings of birth defects lawsuits involving Zofran or Ondansetron.

[\[Read this article in full at original source\]](#)

Earlier Zofran articles by attorney Tom Lamb on the [Side Effects Blog](#):

- [With Zofran - Birth Defects Lawsuits Filed, How Will GlaxoSmithKline Update Its Drug Label To Comply With New FDA Rule Effective June 2015](#)
- [A 2004 Medical Journal Article Indicated A Possible Link Between The "Morning Sickness" Drug Use Of Zofran And Hypospadias](#)

- [Zofran Associated With Birth Defects When Used During Pregnancy As An “Off-Label” Morning Sickness Treatment](#)

Attorney [Tom Lamb](#) represents people in personal injury and wrongful death cases involving unsafe prescription drugs or medication errors. The above article was posted originally on his blog, **Drug Injury Watch** – with live links and readers' Comments.
<http://www.DrugInjuryWatch.com>