

Yasmin / YAZ Litigation Update: 11,300 Lawsuits Have Been Served Upon Bayer As Of February 1, 2012

Bayer 2011 Annual Report: Settlement Agreements: 70 Cases Settled As of Mid-February 2012; Negotiations Will Continue On Case-by-Case Basis

(Posted by Tom Lamb at www.DrugInjuryWatch.com on February 28, 2012; see <http://bit.ly/wT5Mv6>)

From February 1, 2011 to February 1, 2012, the number of lawsuits pending in the United States served upon Bayer involving side effects allegedly from the use of Bayer's oral contraceptive products Yasmin™ and/or YAZ™ or from the use of Ocella™ and/or Gianvi™ has increased from **6,850** (from the [Bayer Annual Report 2010](#)) to **11,300**.

From the [Bayer Annual Report 2011](#), which was released earlier today (2/22/2012):

- As of February 1, 2012, there were about 11,300 lawsuits pending in the United States served upon Bayer on behalf of persons alleged to have suffered personal injuries, some of them fatal, from the use of Bayer's oral contraceptive products Yasmin™ and / or YAZ™ or from the use of Ocella™ and / or Gianvi™, generic versions of Yasmin™ and yaz™, respectively, marketed by Barr Laboratories, Inc. in the United States.
- Pursuant to agreements in 2008 and 2010, Bayer manages product liability litigation for Ocella™ and Gianvi™, Bayer retains product liability for Ocella™ product supplied by Bayer with certain exceptions, and the parties have allocated potential product liability relating to Gianvi™ product supplied by Bayer.
- Plaintiffs seek compensatory and punitive damages, claiming, in particular, that Bayer knew, or should have known, of the alleged risks and should be held liable for having failed to disclose them or adequately warn users of Yasmin™ and / or YAZ™.
- As of February 13, 2012, Bayer had reached agreements, without admission of liability, to settle the claims of approximately 70 plaintiffs in the u.s. at terms and conditions which Bayer views to be reasonable. Bayer will continue to consider the option of settling individual lawsuits in the U.S. on a case-by-case basis.
- Additional lawsuits are anticipated.
- Bayer believes that it has meritorious defenses and will continue to defend itself vigorously against all claims that are not considered for settlement. Based on the information currently available, Bayer has taken appropriate accounting measures for anticipated defense costs and agreed settlements.
- In December 2011 the MDL court stayed the first case set for trial and ordered the parties to participate in a mediation process.
- However, going forward and depending on further developments of the Yasmin™/ YAZ™ litigation, it is possible that the company's global liability insurance program may not be sufficient or fully applicable to cover all expenses and potential liability (if any) resulting from this litigation.

The mediation process ordered by the Judge Herndon, who is presiding over the federal court YAZ / Yasmin multidistrict litigation (MDL) -- MDL No. 2100, *IN RE: Yasmin and Yaz (Drospirenone) Marketing and Sales Practices and Products Liability Litigation*, pending in the Southern District of Illinois -- is still ongoing as of this time. Accordingly, we will withhold any commentary on what Bayer has stated in its Annual Report for 2011.

To see how this YAZ / Yasmin litigation has developed over time, we refer you to our earlier article, "[YAZ / Yasmin / Ocella Litigation: February 2011 Update](#)".

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>