

Heparin lawsuits transfer to Toledo

BY MARK ZABORNEY
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A panel of seven federal judges ruled yesterday that all lawsuits nationwide dealing with a contaminated blood thinner called heparin will be transferred to U.S. District Court in Toledo before Judge James G. Carr.

"It's hard to know how many cases there are; there are at least 30," said David Zoll, an attorney who has filed seven lawsuits on behalf of clients in federal court in Toledo against Baxter Healthcare Corp.

"We don't really know how many cases ultimately will end up being filed," Mr. Zoll said. "People are still learning about the relationship of the bad heparin to the death of their loved ones."

The lawsuits were filed by family members of people who died after being injected with heparin during hemodialysis treatments.

Baxter began a nationwide recall of nine lots of heparin in January. The company produces about 50 percent of the heparin used in the United States.

The transfer to Toledo "is really to everyone's benefit," said Erin Gardiner, a Baxter spokesman. "In terms of the court's time, the plaintiffs' time, the company's time, for efficiency's sake, it's a good move."

Last month, attorneys from California, Florida, Illinois, New Jersey, Pennsylvania, and Wisconsin argued before the Judicial Panel on Multidistrict Litigation that heparin litigation be transferred to their federal court districts.

Mr. Zoll, on his firm's blog, wrote that he argued Toledo has the best resources, is most convenient, and that the court in Toledo was the first where cases were filed and had the most cases.

He touted the federal courthouse in Toledo and its state-of-the-art equipment and savvy personnel in his blog entry.

He also mentioned that Toledo is centrally located and the federal courthouse is 45 minutes from Detroit Metro Airport.

Judge G. Heyburn II, of the U.S. Western District of Kentucky and chairman of the panel, wrote: "We are persuaded that the Northern District of Ohio is an appropriate transferee district for this litigation.

"Seven of the 23 known actions are pending in this [Northern District of Ohio], mostly before Judge James G. Carr, who has the time to devote to this docket," he wrote.

Other judges on the panel include D. Lowell Jensen, of the Northern District of California; Robert L. Miller, Jr., of the Northern District of Indiana; David R. Hansen, of the 8th Circuit Court of Appeals; J. Frederick Motz, of the District of Maryland; Kathryn H. Vratil, of the District of Kansas, and Anthony J. Scirica, of the 3rd Circuit Court of Appeals.

Litigation about the same thing is often consolidated in one place "so plaintiffs can consolidate resources and defendants aren't subjected to multiple depositions in multiple venues," Mr. Zoll said. "It's more efficient, and it helps really everyone."

Mr. Zoll said plaintiffs' attorneys will meet June 16 in Toledo, "setting up an organizational structure so we can coordinate the cases in a meaningful way for the benefit of everyone."

In 2006, more than 100 individual cases over the birth-control patch Ortho-Evra were consolidated before U.S. District Judge David Katz in Toledo.

The heparin lawsuits in Toledo include claims against a Wisconsin company, which received the active ingredients for heparin from a company in China and supplied it to Baxter.

In April, Johanna Staples urged a congressional subcommittee to pass laws to ensure a safe drug supply. Her husband, former Toledo radio personality Dennis Staples, died after receiving contaminated heparin made with ingredients from China.

Also testifying was Leroy Hubley, whose wife of 48 years, Bonnie, and son, Randy, died within about a month of each other. Both underwent hemodialysis at a Toledo clinic and were given heparin.

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