



And The Defense Wins

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DRI members [Thomas A. Packer](#) and [Stephen Lawniczak](#) of the San Francisco office of **Gordon & Rees LLP** achieved a judgment of dismissal on behalf of an international pharmaceutical company in a Northern California product liability case. The plaintiff alleged severe facial and oral nerve injuries after receiving an injection of a dental anesthetic.

Defense counsel filed a motion for summary judgment, arguing that the warnings in the product's package insert were sufficient to place the plaintiff's dentist on notice of the risks associated with the use of the product.

The court found that the package insert, which provided the results of adverse events from clinical trials, as well as post-marketing reports of adverse reactions, constituted adequate warning of the risk of plaintiff's symptoms. The court further found that the plaintiff had failed to show that any alleged inadequacy in the warnings caused his dentist to administer the drug to him. Accordingly, the court entered judgment in favor of Gordon & Rees's client on plaintiff's strict liability, negligence and breach of warranty causes of action and dismissed the entire lawsuit.

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