

g^{LD}law

SPRING 2021

LEADING IN ORDER TO MAKE A DIFFERENCE

How navigating adversity has helped to create opportunity.

IN THIS ISSUE

- 2 **Change:**
Meeting the need in an unprecedented time.
- 3 **Lead by Example:
Get Vaccinated!**
Why getting vaccinated serves you and all of us.
- 4 **Our Firm:
Trusted to Lead.**
- 6 **In the News:**
Get caught up on important updates and case work.
- 7 **GLaw Spotlight:**
Get to know Ethan Adams.



C H A N G E :

MEETING THE NEED IN AN UNPRECEDENTED TIME.

The COVID-19 pandemic has tested Americans unlike anything that many of us have experienced in our lifetimes. We have seen our loved ones sick and suffering, our neighbors losing their jobs and left unable to provide, and businesses passed through many generations permanently closed, all due to the scourge of a novel virus that stymied the best of modern medicine.

We have also seen remarkable examples of leadership: scientists rushing to develop a lifesaving vaccine in record time, front line workers risking their lives to ensure our society keeps running, and doctors, nurses, and medical personnel working around the clock to save as many lives as possible. If we can take anything away from the past year, it is that focused, passionate, and collaborative leadership can pull us through even the darkest of times. We look to these inspiring examples of leadership to guide our practice into a brighter future.

How Has COVID Changed Civil Litigation?

Video Hearings & Depositions

The broad use of video for hearings and depositions has increased scheduling efficiency and expedited litigation timelines. It has also led to monetary and time savings for clients by eliminating unnecessary travel.

Remote Trials

In addition to cost and time savings, remote trials have created access to a broader jury pool who can participate from home. They have also allowed courts to cut down on a backlog of cases.

Virtual Workplaces

Use of Virtual Private Networks (VPNs) and remote access software has created the ability to manage casework effectively from anywhere. As a result, many firms are now reconsidering their office space needs.



STUART GOLDENBERG
SENIOR PARTNER

“If we want to get back to any sense of normalcy, it is my highest recommendation that as many people as possible be vaccinated.”

Lead by Example: Get Vaccinated!

WHY GETTING VACCINATED SERVES YOU AND ALL OF US.

*“Don’t follow
the crowd,
let the crowd
follow you.”*

MARGARET
THATCHER

Many people have asked me, “Do you think I should get vaccinated?” After reading and reviewing the studies and data, I scheduled the first vaccine appointment that was available to me. I also recommended the vaccines to everyone I could. That’s because I believe the benefits outweigh the risks. The efficacy (how well the three vaccines prevent the virus or minimize the risk of death) is very impressive. The studies also have not shown a safety signal that there are significant risks so far. I recognize that the J & J vaccine has had a few adverse events out of millions of people but it still seems more than worth it. The Pfizer and Moderna vaccines have thus far not shown any significant adverse events.

There is no such thing as a perfect vaccine. Every vaccine has risks. I also do not totally trust the drug companies. But the virus has contributed to hundreds of thousands of deaths and long-term illnesses. It has brought our country to a virtual standstill. Something we have never seen in our lifetimes. That is what must be weighed against the possible risks of the vaccine. If we want to get back to any sense of normalcy, it is my highest recommendation that as many people as possible be vaccinated.

So lead by example. Get vaccinated. Others will follow your lead.

OUR FIRM: TRUSTED *to* LEAD.



STUART GOLDENBERG
SENIOR PARTNER



NOAH LAURICELLA
PARTNER



MARLENE GOLDENBERG
PARTNER

Legendary Green Bay Packers coach Vince Lombardi once said that “leaders are made, they are not born.” It is never easy giving credit to a Packers icon but Lombardi’s teams of the 1960s were the epitome of fighting through adversity to find success.

Nearly 10 years ago, a local paramedic walked into our office in dire need of help. Unknowingly, he brought with him a complex litigation that would provide the adversity necessary to elevate our firm to a new level of leadership. A failed spinal fusion surgery had left the paramedic in excruciating pain and with

ongoing complications that required invasive treatment. He was referred to us after multiple firms determined his case was too complicated to pursue. We were his last option, and we ultimately decided to take his case. That client meeting led to a years-long pursuit of justice against the manufacturer of the device used in his surgery.

Despite countless procedural obstacles, we successfully litigated hundreds of spinal fusion device cases in jurisdictions around the country without the benefit of a consolidated action like a Multi-District Litigation (MDL). It wasn’t easy. The defendant was a multi-national medical device corporation that knew it was operating from a position of strength and wielded every tool at its disposal to stretch our resources to capacity. But, driven by the agonizing accounts of our clients’ suffering, we told their stories from courtroom to courtroom.

This challenging experience of adversity brought with it significant success, as it allowed our firm to brandish our expertise on a national stage and burnished our reputation as vigorous advocates for our clients even when the odds are stacked against us. It also opened the door to leadership opportunities in other litigations throughout the United States.

Building off that experience, the attorneys at GoldenbergLaw are now routinely selected for leadership appointments by Federal Judges and attorneys on a variety of national product liability litigations. Partner Marlene Goldenberg was appointed to the Plaintiffs’ Steering Committee (PSC) in the Zantac MDL in May 2020, a little over a year after being appointed to the Plaintiffs’ Executive Committee (PEC) in the Valsartan, Losartan, and Irbesartan MDL. Marlene had previously served as the discovery liaison and a PSC member in the Abilify MDL.

Recently, Partner Noah Lauricella was appointed to the PSC in the Zimmer M/L Taper and Zimmer M/L Taper with Kenectiv Technology MDL. Noah is also currently a member of the PSC in the Bair Hugger Forced Air Warming Devices MDL. Earlier this year, Senior Partner Stuart Goldenberg was appointed to the PSC in the Wright Profemur Hip MDL. Stuart had previously served as a PSC member in the Benicar MDL and continues to serve on the PSC in the Bard IVC Filters litigation.

Leading these litigations against some of the largest corporations and law firms in the country is a test of tenacity and adversity. Reviewing millions of documents, taking hundreds of depositions, fighting countless motions, and preparing for bellwether trials is standard in each litigation. It is a profound honor and a great privilege to have the trust of Judges and our colleagues to be considered for these appointments, and we do not take the responsibility that accompanies these appointments lightly. We will continue to try to live up to Lombardi’s words. ■

FDA ISSUES WARNING ON XELJANZ

Xeljanz is a medication prescribed to treat rheumatoid arthritis, psoriatic arthritis, and ulcerative colitis. On February 4, 2021, the Food and Drug Administration (FDA) alerted the public that initial results from a safety trial show that rheumatoid arthritis patients taking Xeljanz were at higher risk of heart-related problems and cancer. The FDA had previously issued a Black Box Warning for Xeljanz after the safety trial showed an increased risk of blood clots and death in patients taking a higher dosage of the medication. GoldenbergLaw is currently investigating cases where an individual has taken Xeljanz and suffered a heart-related injury or has been diagnosed with cancer.

PENUMBRA RECALLS JET 7 XTRA FLEX CATHETER

The FDA announced on December 15, 2020 that Penumbra was recalling all units of its Jet 7 Xtra Flex Catheter due to heightened risk of injury and death during procedures to remove blood clots in stroke patients. The recall came after the FDA received over 200 medical device reports documenting cases where patients died or suffered serious injuries after the catheter malfunctioned. The device failures included “ballooning, expansion, rupture, breakage, or complete separation, and exposure of internal support coils near the distal tip region of the Jet 7 Xtra Flex catheter.” Injuries associated with the Penumbra Jet 7 Xtra Flex catheter include brain bleeds, hemorrhagic strokes, blood vessel damage, and death. GoldenbergLaw is representing clients who have suffered one of these injuries during a thrombectomy procedure.

JOHNSON & JOHNSON HINTS AT TALC SETTLEMENT

In a securities filing in February 2021, Johnson & Johnson announced that it had set aside nearly \$4 billion in litigation expenses in 2020 “primarily associated with talc-related reserves and certain settlements.” There are more than 25,000 talcum powder lawsuits nationwide based on claims that talcum powder products caused the plaintiff’s ovarian cancer. This news does not mean that there is a settlement for the talcum powder litigation; however, it does mean that Johnson & Johnson has been putting money aside in anticipation of potentially resolving cases. Contact GoldenbergLaw today regarding potential talcum powder referrals.

golaw SPOTLIGHT

“There is nothing more professionally satisfying than testing your advocacy skills in open court.”

ETHAN ADAMS ASSOCIATE ATTORNEY

GoldenbergLaw’s new Associate Attorney, Ethan Adams, joined our team in February after working as a staff attorney for two years under Judge Cynthia McCollum in Minnesota’s First Judicial District. Ethan graduated from Mitchell Hamline School of Law in 2019. He is a passionate litigator with a zest for legal research. He spent over ten years developing his trial skills in Mock Trial competitions and received the Rosalie Wahl Moot Court award in his time at Mitchell Hamline.

Ethan is currently assisting the Valsartan and Zantac Plaintiffs’ Steering Committees with research and preparation for upcoming depositions.

1. When did you know you wanted to be an attorney and why?

I first thought of becoming a lawyer all the way back in middle school. The way lawyers stood up for their clients against adversity really appealed to me.

2. Who has influenced your legal career the most?

My college mock trial coach Sandy McKeown. She taught me not only trial skills, but also how a lawyer should conduct themselves to their clients, their opposing counsel, and the court.

3. How did your experience with Moot Court impact your career path?

I knew that I wanted to get a job that would put me in a courtroom. There is nothing more professionally satisfying than testing your advocacy skills in open court. It has also helped me better place myself in the mindset of the judge and jury.

4. What appealed to you about joining GoldenbergLaw?

The passionate team at GoldenbergLaw is what really drew me. Everyone working here really does care about every single client. I also found the challenge of complex civil litigation to be a fun challenge that few lawyers get to truly experience.

5. What are your hobbies outside of work?

I spend my free time reading or tinkering with electronics. I’ve also taken up bird watching during the pandemic.

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GET TO KNOW ETHAN



Laying The Pathway
Towards A Brighter Future.

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GOLDENBERG^{LAW} 
PRODUCTS LIABILITY & PERSONAL INJURY ATTORNEYS

800 LaSalle Avenue
Suite 2150
Minneapolis, MN 55402

AREAS OF EXPERTISE

Products Liability
Personal Injury
Auto and Truck Accidents
Worker's Compensation
Medical Malpractice
Wrongful Death
Construction Accidents
Structural Collapses
Gas Explosions
Dangerous Drugs
Defective Medical Devices
Toxic Tort
Catastrophic Injury
Insurance Disputes