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Attorney for Defendants
Pfizer Inc., Pharmacia & Upjohn
Company LLC, and Pharmacia LLC

MARTIKA DAVIS,

Plaintiffs

vs.

PFIZER INC., et al.,

Defendants.

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

COURT – MAJOR JURY-COMPLEX

JANUARY TERM 2025
NO: 250102651

JURY TRIAL DEMANDED

**PFIZER INC., PHARMACIA & UPJOHN COMPANY LLC, AND PHARMACIA LLC’S
MOTION TO COORDINATE DEPO-PROVERA PRODUCT LIABILITY CASES AND
PETITION FOR MASS TORT DESIGNATION**

Pursuant to Rule 208.2 of the Pennsylvania Rules of Civil Procedure, Defendants Pfizer Inc., Pharmacia LLC, and Pharmacia & Upjohn Company LLC (collectively, “Pfizer”), by and through undersigned counsel, respectively request that pending and any future filed Depo-Provera Product Liability cases in this Court be coordinated for pretrial purposes through the formation of a Depo-Provera Mass Tort Program. Pfizer additionally requests that the above-captioned matter be transferred from the major jury program to the Depo-Provera Mass Tort Program.

Respectfully submitted,

/s/ Raymond M. Williams

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*Attorney for Defendants Pfizer Inc.; Pharmacia &
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May 29, 2025

The Honorable Daniel J. Anders
Administrative Judge
Court of Common Pleas, Trial Division
City Hall, Room 516
Philadelphia, PA, 19107

Re: *Wanda Moreno et al. v. Pfizer Inc., et al.*, Case No. 250500483
Martika Davis v. Pfizer Inc., et al., Case No. 250102651
In re: Depo-Provera Product Liability Litigation (Proposed)

**Pfizer Defendants' Petition to Coordinate Depo-Provera
Product Liability Cases Currently Pending in the Philadelphia
Court of Common Pleas and for Mass Tort Designation**

Dear Judge Daniel J. Anders:

Counsel for Pfizer Inc., Pharmacia LLC, and Pharmacia & Upjohn Company LLC (collectively, “Pfizer or the “Pfizer Defendants”) write regarding the product liability cases pending in the Philadelphia Court of Common Pleas concerning the drug Depo-Provera and its authorized generic equivalents (“Depo-Provera Product Liability Cases”), which collectively involve more than a hundred plaintiffs. We respectfully request that these pending cases, and any future Depo-Provera Products Liability cases filed with this Court, be coordinated within this Court through the formation of a Depo-Provera Mass Tort Program.

I. Background

More than one hundred plaintiffs have asserted product liability claims relating to Depo-Provera in the Philadelphia County Court of Common Pleas.¹ *See* Exhibit 1. Counsel for Pfizer Defendants expect that additional Depo-Provera Products Liability cases will be filed in the Philadelphia County Court of Common Pleas in the near future.

The plaintiffs each have asserted, at one point or another, claims against some combination of Defendants Pfizer Inc., Pharmacia LLC, Pharmacia & Upjohn Company LLC, Greenstone LLC, Viartis Inc., Prasco, LLC, Albert Einstein Medical Center d/b/a Einstein Livewell Pharmacy, and Albert Einstein Medical Center d/b/a Einstein Apothecary.² Although a federal multidistrict

¹ One case, *Moreno v. Pfizer Inc. et al.*, No. 250500483, is brought on behalf of 100 plaintiffs, 22 of whom are Pennsylvania citizens.

² Prasco was voluntarily dismissed from the *Davis* case on April 8, 2025, and is not a defendant in the *Moreno* case. Consequently, no plaintiff in the Depo-Provera Products Liability cases currently is asserting a claim against Prasco.

litigation was established in the U.S. District Court for the Northern District of Florida in February 2025 (“Depo-Provera MDL”), plaintiffs here filed their complaints in the Philadelphia Court of Common, naming at least one Pennsylvania-based defendant.

Depo-Provera has been FDA-approved for contraceptive use for more than thirty years; it is also approved for the treatment of cancer and other serious diseases. Pfizer, through its subsidiaries Pharmacia and Pharmacia & Upjohn, is the innovator, manufacturer, and distributor of branded Depo-Provera. Greenstone LLC, while a subsidiary of Pfizer, sold the authorized generic version of Depo-Provera; in November 2020, Greenstone LLC became an indirectly wholly owned subsidiary of Viartis Inc. Prasco currently sells and distributes the authorized generic version of Depo-Provera.

Plaintiffs in the Philadelphia cases, as in the Depo-Provera MDL, allege that as a result of taking Depo-Provera they developed intracranial meningioma, a slow-growing type of tumor that originates in the membranes surrounding the brain. They allege that Defendants did not sufficiently warn Depo-Provera users of this alleged risk. The claims asserted by the plaintiffs involve a variety of legal theories including strict liability – failure to warn, strict liability – design defect, negligence, negligent failure to warn, negligent design, negligent misrepresentation, fraudulent misrepresentation, and gross negligence/recklessness. Plaintiffs seek punitive damages.

The Pfizer Defendants’ defenses include, *inter alia*, jurisdictional defenses, including lack of personal jurisdiction; procedural defenses, such as those relating to the insufficiency of pleadings, preemption, the running of applicable statutes of limitations, and pleading of claims not recognized in Pennsylvania; and substantive defenses, including on the grounds that plaintiffs cannot show that Depo-Provera can cause meningioma, or that Depo-Provera caused any particular plaintiff’s meningioma. In the 100-plaintiff *Moreno* action, the Pfizer Defendants intend to seek severance and entry of an order requiring re-filing as single-plaintiff cases, which would be coordinated only for pretrial purposes if Defendants’ request for a Mass Tort Program is granted.

The Pfizer Defendants respectfully submit that these cases involve common factual and legal issues such that coordination of pretrial discovery through the Mass Tort Program will result in the efficient utilization of judicial resources, avoid duplicative and inconsistent rulings, provide valuable convenience to the parties, witnesses and counsel, and reduce expenses while avoiding delay and prejudice to any party. The undersigned further submit that the currently filed cases, as well as those expected to be filed, are sufficient to justify the formation of a Mass Tort Program.

II. Reasons to establish a Mass Tort Program for the Depo-Provera litigation

The above-mentioned Depo-Provera Product Liability Cases and those that will be filed in the future arise from the same factual background. The causes of actions, injuries, and the defenses involve common factual and legal issues.

Given these circumstances, the undersigned submit that the Depo-Provera Product Liability Cases meet all the traditional criteria for formation of a Mass Tort Program. The cases share a predominance of common legal and factual issues that are central to the litigation. Coordinated treatment of pre-trial matters will benefit the parties, witnesses, and counsel by

promoting the efficient prosecution and resolution of the Depo-Provera Product Liability Cases, especially by preventing duplicative discovery and inconsistent judicial rulings. Coordinated treatment also will benefit the Court by enabling the efficient utilization of judicial resources and facilitating communication and coordination with the Depo-Provera MDL. At the same time, such coordination will not cause undue delay or prejudice to any party. And although there are only presently two filed actions, the Pfizer Defendants expect that following severance of the 100-plaintiff *Moreno* case, many of the plaintiffs in that case will re-file their cases in the Philadelphia County Court of Common Pleas, in addition to the other Depo-Provera Product Liability Cases that the Pfizer Defendants anticipate will be filed in the Philadelphia County Court of Common Pleas in the near future.

Finally, the Pfizer Defendants respectfully request an extension of all deadlines in the Depo-Provera Product Liability Cases pending in Philadelphia with filed motions or pleadings that require a response and the responsive pleading deadlines in any future filed cases until thirty days after a decision on this Petition to avoid the potential for inconsistent rulings.³

III. Conclusion

Based on the foregoing, the undersigned respectfully request that the Court establish a Mass Tort Program to provide for the coordinated treatment of all Depo-Provera Product Liability Cases that are currently pending and that will be filed in the Philadelphia County Court of Common Pleas. A Mass Tort Program will promote judicial economy and facilitate the efficient resolution of these actions, for the benefit of the parties, counsel, and the Court. Thank you for your consideration of this request.

Respectfully submitted,

/s/ Raymond M. Williams

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Attorney for Defendants
Pfizer Inc.; Pharmacia & Upjohn Company LLC;
Pharmacia LLC

³ The Pfizer Defendants filed Preliminary Objections in the *Moreno* case today, May 29, 2025.

cc: (via *ECF Notification to Counsel of Record*)

- *Wanda Moreno et al. v. Pfizer Inc.*, et al., Case No. 250500483
- *Martika Davis v. Pfizer Inc.*, et al., Case No. 250102651

**IN THE FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA COURT OF COMMON PLEAS
TRIAL DIVISION – CIVIL**

In re: DEPO-PROVERA PRODUCT LIABILITY LITIGATION	:	_____ TERM, 2025
	:	
	:	
	:	NO. _____

[PROPOSED] ORDER

AND NOW, this _____ day of _____, 2025, upon consideration of the Petition to form a Depo-Provera Product Liability Mass Tort Program for cases currently pending in the Philadelphia County Court of Common Pleas, and any responses, it is hereby,

ORDERED that the Petition to Coordinate Depo-Provera Product Liability Cases Currently Pending in the Philadelphia Court of Common Pleas and for Mass Tort Designation is hereby **GRANTED**;

Accordingly, all currently filed Depo-Provera matters, including those appearing on the attached list of cases, shall be transferred to the Complex Litigation Center and coordinated under the above-captioned Master Docket. Counsel shall have 20 days in which to submit an agreed-upon Case Management Order No. 1 to the Court. Upon any failure to agree, counsel shall notify the Court, and the Court will issue Case Management Order No. 1.

It is further **ORDERED** that all responsive pleading obligations and deadlines in any operative Case Management Order of this Court in a pending or future filed Depo-Provera matter are stayed until such deadlines are established under Case Management Order No. 1.

BY THE COURT:

Daniel J. Anders, J.
Administrative Judge, Trial Division

Case ID: 250102651
Control No.: 25056281

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing Motion to Coordinate Depo-Provera Product Liability Cases has been sent to all counsel of record via the Philadelphia County Courts Electronic Filing System on May 29, 2025.

/s/ Raymond M. Williams_____

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