

Firm News | April 14, 2021

Troutman Pepper Wins Dismissal for Client Eli Lilly in Pancreatic Cancer Cases

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NEW YORK – Troutman Pepper represented drug maker Eli Lilly in successfully winning the dismissal in both federal and state court of all claims that Byetta, an injectable type-2 diabetes treatment it formerly promoted, allegedly caused pancreatic cancer.

On March 9, 2021, a California federal court overseeing the *In re Incretin* multidistrict litigation threw out hundreds of plaintiffs' claims based on federal preemption because the FDA provided clear evidence that a label change was not possible and because there was not sufficient evidence that Byetta (or other incretins) were associated with pancreatic cancer. The court also found that the plaintiffs failed to provide admissible expert evidence that Byetta (or other incretins) cause pancreatic cancer. [Read more on that decision.](#)

On April 6, 2021, the Superior Court of California tossed out the several hundred claims for similar reasons as the federal court, noting that plaintiffs' experts relied on outdated studies and ignored recent scientific literature on the subject. [Read recent coverage about the decision.](#)

The Troutman Pepper Health Sciences Litigation team, led by partner [Barry Boise](#), advised Eli Lilly throughout the litigation. Boise noted that "our team was able to apply a deep understanding of the underlying science." The Troutman Pepper team included partners [Andrew Kantra](#) and Kenneth King and senior counsel [Nina Gussack](#).

Global pharmaceutical and medical device manufacturers rely on Troutman Pepper to defend claims involving surgical devices, orthopedic implants, cosmetic devices, and drugs. Attorneys' vast experience includes handling claims related to anticoagulants, antibiotics, antipsychotics, diabetes therapies, nonsteroidal anti-inflammatory drugs, gynecological products, spinal implants, and cosmetics.

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