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Law firm Girard Gibbs picked to lead generic drug price-fixing cases

Nate Raymond

(Reuters) - The law firm Girard Gibbs has beaten out several rivals to spearhead to three antitrust lawsuits accusing generic drug companies of fixing prices for topical steroids used to treat eczema and other skin conditions.

U.S. District Judge William Pauley in Manhattan on Thursday named San Francisco-based Girard Gibbs interim lead counsel in a series of coordinated antitrust lawsuits against companies including Taro Pharmaceuticals Industries Ltd, Sandoz Inc and Akorn Inc.

The judge also ordered Taro to provide by Jan. 5 the plaintiffs' lawyers a copy of subpoenas issued on Sept. 8 by the U.S. Department of Justice as part of a generic drug pricing antitrust probe, as well as the company's written responses.

The drug companies had urged Pauley to not force them to produce their communications with the Justice Department, saying the plaintiffs were trying to use the subpoenaed information to bolster ultimately non-viable antitrust claims.

Daniel Girard of Girard Gibbs, whose firm represents lead plaintiff Sergeants Benevolent Association Health & Welfare Fund, declined to comment on Friday. Taro counsel Lisa Fales of Venable did not respond to a request for comment.

The class actions came amid a broad generic drug pricing probe that remains under way at the state and federal level. In 2014, media reports of sharply rising drug prices led to Congressional hearings as well.

On Dec. 15, the same day Pauley heard arguments over who should lead the proposed class action litigation, 20 states sued six drugmakers including Mylan NV and Teva for conspiring to inflate prices for two generic drugs, an antibiotic and a diabetes medication.

The lawsuit came a day after the Department of Justice filed criminal charges against two former executives at generic drug company Heritage Pharmaceuticals for conspiring to fix prices and split up market share for those two drugs.

Neither of those cases involve allegations related to the fixing of drug prices for the three topical corticosteroids at issue in the class action: clobetasol, desonide and fluocinonide.

In winning appointment as lead counsel, 35-lawyer Girard Gibbs beat out several other law firms seeking the same role, court papers show.

In seeking appointment, the firm said it filed the lawsuits first and has served as lead counsel in other lawsuits against drug companies, including a pending one for indirect purchasers over a deal to delay the launch of a generic version of Watson Pharmaceuticals' Lidoderm pain relief patch.

Others who applied included Boies Schiller & Flexner and Robbins Geller Rudman & Dowd, who sought joint appointment; Hach Rose Schirripa & Cheverie and Hausfeld.

Pauley limited Girard Gibbs' appointment to a one-year term, citing the need for "close monitoring" by the court of the complex litigation.

The judge said the firm could apply for renewal on Dec. 22, 2017, and that he would entertain competing applications at that time.

The case is In re Topical Corticosteroid Antitrust Litigation, U.S. District Court, Southern District of New York, No. 16-mc-7000.

For lead plaintiff Sergeants Benevolent Association Health & Welfare Fund: Daniel Girard of Girard Gibbs

For Sandoz: Laura Shores of Kaye Scholer

For Akorn: Joseph Serino of Kirkland & Ellis

For Wockhardt USA: Damon Suden of Kelley Drye & Warren

For Perrigo Company: Andrew Wellin of Morgan Lewis & Bockius

For Taro Pharmaceuticals Industries Ltd: Lisa Fales of Venable

For Teva Pharmaceutical Industries Ltd: Christopher Holding of Goodwin Procter

--- **Index References** ---

Company: AKORN INC; GIRARD GIBBS LLP; HERITAGE PHARMACEUTICALS INC; KELLEY DRYE AND WARREN LLP; MORGAN LEWIS STAMFORD LLC; MYLAN NV; Perrigo Company; ROBBINS GELLER RUDMAN AND DOWD LLP; SANDOZ INC; TARO PHARMACEUTICAL INDUSTRIES LTD; TEVA PHARMACEUTICAL INDUSTRIES LTD; VENABLE LLP; WOCKHARDT USA LLC

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