

# Johnson & Johnson Slammed with \$29.5M Verdict Over Baby Powder Suit

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A California state jury found that pharmaceutical and manufacturing giant Johnson & Johnson's talcum-based baby powder contained cancer-causing asbestos and caused a woman's mesothelioma diagnosis. The jury awarded the woman a staggering \$29.5 million.

The plaintiff, Teresa E. Leavitt, alleged that her mother had used Johnson & Johnson baby powder as a baby and she continued to use it herself through adulthood, spanning over the course of at least two decades. She alleged that Johnson & Johnson knew its baby powder contained asbestos and refused to pull it from the market, leading to Leavitt being diagnosed with a "horrible asbestos disease that will result in her untimely death, a slow and painful death," according to her attorney.

The 12-person jury unanimously found that Johnson & Johnson failed to adequately warn consumers of a potential risk in its baby powder product. The jury returned a verdict in favor of the plaintiff, and found that the baby powder contained asbestos and was a substantial factor in Leavitt's mesothelioma cancer diagnosis.

Eleven out of 12 members of the jury also found that Johnson & Johnson intentionally withheld facts that were relevant to the safety of the product, and the jury unanimously found that Leavitt would have acted differently had she known about these facts.

In addition, a majority of the jury also found that the baby powder's "failure to perform safely" was a "substantial factor" in Leavitt's mesothelioma.

Ultimately, the jury found that Johnson & Johnson was 78 percent liable, Johnson & Johnson Consumer Inc. was found to be 20 percent liable, and Cyprus Mines Corp, a onetime talc supplier for J&J, was found to be 2 percent liable.

In total, the jury awarded \$291,000 to Leavitt for past medical expenses, \$1 million for future medical expenses, \$1.2 million for loss of earnings, \$7 million for past physical pain and mental suffering, and \$15 million for future physical pain and mental suffering.

In addition, the jury awarded \$2 million to her partner, Dean McElroy, for past loss of love and companionship, and \$3 million for future loss of love and companionship.

This verdict is another win for plaintiffs in the flood of lawsuits against Johnson & Johnson over their talcum baby powder. Back in St. Louis in July 2018, Johnson & Johnson was hit with a record-setting [\\$4.69 billion verdict](#) on claims that its powder gave 22 women ovarian cancer.

Conversely, in October and November 2018, two juries in New Jersey and California, respectively, found that Johnson & Johnson was not to blame for two other women's mesothelioma. Additionally, in January 2019, the Missouri Supreme Court sided with Johnson & Johnson over two appeals stemming from other talc cases in St. Louis state court. The state high court granted the company's last-second bid to pause a 13-plaintiff talcum powder trial to weigh whether or not the plaintiffs should be forced to go to trial individually.

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