Riker Danzig LLP
ATTORNEYS AT LAW

Kelly Strange Crawford
Co-Chair

Direct:
t: 973.451.8417
f: 973.538.1984
kcrawford@riker.com

7 Giralda Farms, Suite 250
Madison, NJ 07940-1051

MEMORANDUM

TO: FDCC – Friday 5s

FROM: Kelly Strange Crawford (Drug, Device & Biotechnology Sector)

DATE: October 16, 2025

SUBJECT: Friday Five Things to Know

You can't watch TV (I guess I'm dating myself… or stream) without seeing countless ads about GLP-1 (Glucagon-like peptide-1 receptor agonists) weight loss drugs. Ozempic, Wegovy, Trulicity, Mounjaro to name a few. Not only are pharma companies marketing such products, but countless pharmacies and other providers are compounding generic forms. Serena Williams is a spokesperson for the medications, having shared that she is taking the product Zepbound. News programs regularly report on the studies relating to them and the success many folks have had with weight loss, not just management of Type 2 diabetes. Overall, the medical community has had a favorable response to these medications.

In 2023, the FDA issued a warning about the potential for GLP-1 RAs to cause gastroparesis (a condition in which the stomach empties slowly).

A federal MDL was created in the Eastern District of Pennsylvania. In re: *Glucagon-Like Peptide-1 Receptor Agonists (GLP-1 RAS) Products Liability Litigation, MDL No. 3094 (United States Judicial Panel on Multidistrict Litigation February 2, 2024).* It is presided over by The Honorable Karen S. Marston. The basic allegations are not surprising:

- The manufacturers failed to adequately warn about the risks of the drugs, including gastrointestinal issues, pancreatitis, and vision loss.
- The drugs were defectively designed or manufactured.
- The manufacturers engaged in false or misleading marketing practices

Two groups of plaintiffs are asking the New Jersey Supreme Court to create a multi-county litigation (New Jersey's state-based equivalent to an MDL).

The first group consists of thirty-nine plaintiffs who have filed cases in the New Jersey Superior Court, Middlesex County alleging injuries cased by GLP-1 RA medications. The application submitted on June 11, 2025 by the law firm of Epstein Ostrove identifies only Novo Nordisk, Inc., headquartered in New Jersey by name, it seeks a broader application to include "glucagon-like peptide-1 receptor agonist ("GLP-1 RA") medications manufactured by companies including … Novo Nordisk, Inc."

https://www.njcourts.gov/sites/default/files/mcl/ozempic-rybelsus-victova-wegovy/ozempic-rybelsus-victova-wegovy-application.pdf

The medications identified are Ozempic, Rybelsus, Victoza and Wegovy. The plaintiffs allege that the products are "effectively identical."

Plaintiffs in this group predict that the total number of cases will ultimately exceed 500. The injuries alleged by this group are gastroparesis and/or ileus injuries. The conditions are alleged to cause debilitating nausea, sever vomiting, abdominal pain, constipation or diarrhea. The claims are asserted under New Jersey's Products Liability Act, N.J.S.A. 2A:58C-1, *et seq*., N.J.S.A. 12A:2-313, and New Jersey's Consumer Fraud Act, N.J.S.A. 56:8-1 et seq.

A majority of the 39 plaintiffs in this first group are represented by the plaintiffs' firm Morgan & Morgan, ads for which can be seen on countless billboards and commercials across the country. All but four of the cases involve the medication Ozempic.

The second group is of 21 plaintiffs who allege that they have developed Nonarteritic Anterior Ischemic Optic Neuropathy (NAION) resulting from the use of Ozempic and/or Wegovy according to the June 12, 2025 application letter from Weitz & Luxenberg:

https://www.njcourts.gov/sites/default/files/mcl/ozempic-wegovy/application-naion-ozempic-wegovy-litigation.pdf

The FDA granted pre-market approval for Ozempic to Novo Nordisk on December 5, 2017 and to Wegovy on June 4, 2021. Plaintiffs allege that Ozempic and Wegovy are chemically identical and differ primarily on dosage.

Plaintiffs in this second claim that the scientific literature has identified a heightened risk of developing NAION among users of these products. NAION is stated to result in permanent vision loss. In this application, the Plaintiffs represent that defendant Novo Nordisk, Inc. agrees that coordination is warranted and is not likely to oppose the application.

Given the vast popularity of these medications, I predict that the "If you build it, they will come" phenomenon associated with the creation of MDLs and MCLs, will come to fruition. If the MCL applications are granted, this is likely to be a significant litigation (with likely scores of meritless cases). It is reported that the federal MDL is over 2,800

lawsuits to date and predicted by plaintiffs to grow to tens of thousands. Judge Marston has issued an order to facilitate coordination of discovery issues with cases filed outside of the MDL.

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