

**WEIGHT OF THE EVIDENCE:  
A LOWER EXPERT EVIDENCE STANDARD  
METASTASIZES IN FEDERAL COURTS**

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**Washington Legal Foundation**  
Critical Legal Issues Working Paper Series

Number 215  
March 2020

**APPENDIX C**

**TABLE OF CASES**  
**WORKING PAPER TEXT**  
**TRADITIONAL FEDERAL TORT ACTION AREAS**

<b>Toxic Torts</b>	<b>Products Liability</b>	<b>Negligence/ Wrongful Death</b>	<b>Medical Malpractice</b>	<b>Federal Circuit</b>
Campos v. Safety-Kleen Systems, Inc. (D.P.R. 2015)				1 <sup>st</sup> Circuit
	Jenks v. New Hampshire Motor Speedway (D.N.H. 2012)			1 <sup>st</sup> Circuit
	West v. Bell Helicopter Textron, Inc. (D.N.H. 2013)			1 <sup>st</sup> Circuit
	Calisi v. Abbott Laboratories, (D. Mass. 2013)			1 <sup>st</sup> Circuit
		Zagklara v. Sprague Energy Corp. (Zagklara II) (D. Me. 2013)		1 <sup>st</sup> Circuit
			Torres v. Mennonite General Hospital, Inc. (D.P.R. 2013)	1 <sup>st</sup> Circuit
	Quilez-Velar v. Ox Bodies, Inc. (1st Cir. 2016)			1 <sup>st</sup> Circuit
		Drake v. Allergan, Inc. (D. Vt. 2015)		2 <sup>nd</sup> Circuit
Sullivan et al. v. Saint-Gobain Performance Plastics Corp. (D. Vt. 2019)				2 <sup>nd</sup> Circuit
	In re Fosamax (D.N.J. 2013)			3 <sup>rd</sup> Circuit
	In re Zoloft (Sertraline Hydrochloride) (3d Cir. 2017)			3 <sup>rd</sup> Circuit
	Levitt v. Merck Sharp & Dohme Corp. (In re Vioxx Prods.) (E.D. La. 2016)			5 <sup>th</sup> Circuit
	Sparling ex rel. Sparling v. Doyle (W.D. Tex. 2016)			5 <sup>th</sup> Circuit
	In re Heparin Products Liability Litigation (N.D. Ohio 2011)			6 <sup>th</sup> Circuit

	DeGidio v. Centocor Ortho Biotech, Inc. (N.D. Ohio 2014)			6 <sup>th</sup> Circuit
Kuhn v. Wyeth, Inc. (8th Cir. 2012)				8 <sup>th</sup> Circuit
	O’Neal v. Remington Arms Co. (D.S.D. 2016)			8 <sup>th</sup> Circuit
		Sioux Steel Co. v. KC Engineering, P.C. (D.S.D. 2018)		8 <sup>th</sup> Circuit
	In re: Bair Hugger Forced Air Warming Devices Products Liability Litigation (D. Minn. 2019)			8 <sup>th</sup> Circuit
In re Roundup Products Liability Litigation (N.D. Cal. 2018)				9 <sup>th</sup> Circuit
		Cattaneo v. Aquakleen Products, Inc. (D. Colo. 2012)		10 <sup>th</sup> Circuit
		Walker v. Spina (D.N.M. 2019)		10 <sup>th</sup> Circuit
	In re Chantix (Varenicline) Products Liability Litigation (N.D. Ala. 2012)			11 <sup>th</sup> Circuit
	Jones v. Novartis Pharmaceuticals Corporation (N.D. Ala. 2017)			11 <sup>th</sup> Circuit
	In e Abilify (Aripiprazole) Products Liability Litigation (N.D. Fla. 2018)			11 <sup>th</sup> Circuit
<b><u>4 cases</u></b>	<b><u>15 cases</u></b>	<b><u>5 cases</u></b>	<b><u>1 case</u></b>	<b>25 cases</b> =====

**TABLE OF CASES**  
**HONORABLE MENTION**  
**TRADITIONAL FEDERAL TORT ACTION AREAS**

<b>Toxic Torts</b>	<b>Products Liability</b>	<b>Negligence/ Wrongful Death</b>	<b>Medical Malpractice</b>	<b>Federal Circuit</b>
	Bertrand v. General Electric Co. (D. Mass. 2011)			1 <sup>st</sup> Circuit
			Bradley v. Sugarbaker (1st Cir. 2015)	1 <sup>st</sup> Circuit
		Situ v. O’Neill (D.P.R. 2016)		1 <sup>st</sup> Circuit
	Pukt v. Nexgrill Industries, Inc. (D.N.H. 2016)			1 <sup>st</sup> Circuit
			Guzman-Fonalledas v. Hospital Expanol Auxilio (D.P.R. 2018)	1 <sup>st</sup> Circuit
			Arrieta v. Hospital Del Maestro (D.P.R. 2018)	1 <sup>st</sup> Circuit
	Short v. Amerada Hess Corp. et al. (D.N.H. 2019)			1 <sup>st</sup> Circuit
	In re Mirena IUS Levonorgestrel-Related Products Liability Litigation (MDL No. II) (S.D.N.Y. 2018)			2 <sup>nd</sup> Circuit
	In re Lipitor (Atorvastatin Calcium) Marketing, Sales Practices and Products Liability Litigation (D.S.C. 2016)			4 <sup>th</sup> Circuit
Yarbrough v. Hunt Southern Group, LLC (D. Miss. 2019)				5 <sup>th</sup> Circuit
		Ashley v. Schneider National Carriers, Inc. (N.D. Ill. 2016)		7 <sup>th</sup> Circuit
	Clinton v. Mentor Worldwide, LLC (E.D. Mo. 2016)			8 <sup>th</sup> Circuit
		Crawford v. Safeway, Inc. (D. Neb. 2016)		8 <sup>th</sup> Circuit

	In Re Nexium Esomeprazole (9th Cir. 2016)			9 <sup>th</sup> Circuit
		Wendall v. GlaxoSmithKline, LLC (9th Cir. 2017)		9 <sup>th</sup> Circuit
<b><u>1 case</u></b>	<b><u>7 cases</u></b>	<b><u>4 cases</u></b>	<b><u>3 cases</u></b>	<b><u>15 cases</u></b> =====

<b>TABLE OF CASES</b>				
<b>“HONORABLE MENTION”</b>				
<b>NON-TRADITIONAL FEDERAL TORT ACTION AREAS</b>				
<b>Environmental</b>	<b>Employment / Civil Rights Discrimination</b>	<b>Business</b>	<b>Criminal</b>	<b>Federal Circuit</b>
	EEOC v. Texas Roadhouse, Inc. (D. Mass. 2016)			1 <sup>st</sup> Circuit
	Riley v. Massachusetts Department of State Police (D. Mass. 2018)			1 <sup>st</sup> Circuit
	Students for Fair Admissions, Inc. v. Harvard (D. Mass. 2018)			1 <sup>st</sup> Circuit
		In re Neurontin Marketing and Sales Practices Litigation (1st Cir. 2013)		1 <sup>st</sup> Circuit
		Keppler v. RBS Citizens N.A. (D. Mass. 2014)		1 <sup>st</sup> Circuit
		Pacific Indemnity Co. v. Dalla Pola (D. Mass. 2014)		1 <sup>st</sup> Circuit
		Noveletsky v. Metropolitan Life Ins. Co., Inc. (D. Me. 2014)		1 <sup>st</sup> Circuit
		Mass. Mutual Life Ins. Co. v. DB Structured Products, Inc. (D. Mass. 2015)		1 <sup>st</sup> Circuit
		Ferring Pharms., Inc. v. Braintree Labs, Inc. (D. Mass. 2016)		1 <sup>st</sup> Circuit
		Lawes v. Q.B. Construction (D.P.R. 2016)		1 <sup>st</sup> Circuit

		Packgen v. Berry Plastics Corporation (1st Cir. 2017)		1 <sup>st</sup> Circuit
		Iconics, Inc. v. Massaro (D. Mass. 2017)		1 <sup>st</sup> Circuit
		In re Asacol Antitrust Litigation (D. Mass. 2017)		1 <sup>st</sup> Circuit
		In re: Dial Complete Marketing and Sales Practices Litigation (D.N.H. 2017)		1 <sup>st</sup> Circuit
		Janssen Biotech, Inc. v. Celltrion Healthcare Co., Ltd. (D. Mass. 2017)		1 <sup>st</sup> Circuit
		In re Asacol Antitrust Litig. (D. Mass. 2017)		1 <sup>st</sup> Circuit
			United States v. Candelario-Santana (D.P.R. 2013)	1 <sup>st</sup> Circuit
			US v. Tavares, (1st Cir. 2016)	1 <sup>st</sup> Circuit
McMunn v. Babcock & Wilcox Power Generation Group, Inc. (W.D. Pa. 2014)				3 <sup>rd</sup> Circuit
	Brown v. Nucor Corp. (4th Cir. 2015)			4 <sup>th</sup> Circuit
	Equal Employment Opportunity Commission v. Freeman (4th Cir. 2015)			4 <sup>th</sup> Circuit
		Gil Ramirez Grp., LLC v. Houston Indep. Sch. Dist. (S.D. Tex. 2016)		5 <sup>th</sup> Circuit
		Johns v. Bayer Corporation (S.D. Cal. 2013)		9 <sup>th</sup> Circuit
		Townsend v. Monster Beverage Corp. (C.D. Cal. 2018)		9 <sup>th</sup> Circuit
		White v. Town of Hurley (D.N.M. 2019)		10 <sup>th</sup> Circuit
<b><u>1 case</u></b>	<b><u>5 cases</u></b>	<b><u>17 cases</u></b>	<b><u>2 cases</u></b>	<b><u>25 cases</u></b> =====