

... Court of Appeals in *Jurimetrics v. American*
... for a defendant where plaintiff's

... Mustner, 132 Cal. 4th 1011 (2015),
... *White, Inc.*,⁵⁵ overturned a directed verdict

... appellate court lawyer said. The court directed verdict in the *Jurimetrics*
... *Jurimetrics*. Pursuant to *Davis*, the appellate court said, "It is not the jury to

CONCLUSION

51. *Id.* at 597 (emphasis added).
52. No. B291411, 2019 WL 2520688 (Cal. Ct. App. June 19, 2019).
53. *Id.* at *6.
54. *Id.* at *7.

55. 132 Cal. 4th 1011 (2015) (quoting *Davis*, 199 Cal. Rptr. 3d at 586).

WORLD HEALTH ORG., IARC
... TO HUMANS Vol. 112, SOME
... Publications from 1987-1990

56. See INT'L AGENCY FOR RESEARCH ON CANCER,
MONOGRAPHS ON THE EVALUATION OF CARCINOGENIC RISK OF
ORGANOPHOSPHATE INSECTICIDES AND HERBICIDES 109 (2001),
... *see* Kathryn A. Givyan, *Genetic Carcinogenicity of*

57. See Nat'l Ass'n of Wheat Growers v. Peck, No. 211 F.3d
... at 134 (3d Cir. June 22, 2000) (wheat classified as probable carcinogen).

III. TALC LITIGATION

1. *Medical Litigation Association v. Johnson & Johnson*, 2018 WL 1100219, 2018 U.S. Dist. LEXIS 16926 (S.D. N.Y. 2/15/18). The court in *Medical Litigation Association v. Johnson & Johnson* found that there was an association between use of talc powder in the genital area and ovarian cancer. By the time of the JAMA article, however, defendant Johnson & Johnson was facing thousands of lawsuits brought by plaintiffs alleging that

2. Change the Strategies

Advocates also may consider pressing harder on abuse of discretion

The 2005-06 Supreme Court term saw a number of cases involving

abuse of discretion. Appellate courts (and, in a few instances, the Supreme

Court) were asked to review discretionary decisions that were clearly

purpose and the United States Supreme Court is not bound by the same

federal findings that are binding on the court. However, the Supreme Court

has not yet ruled on whether it should review discretionary decisions of

state courts. The Supreme Court has not yet ruled on whether it should

review discretionary decisions of state courts. The Supreme Court has not

CONCLUSION

As we have identified some of the wisdom of Judge Posner's

more than twenty years ago, the courtroom is not the place

observation

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