

News

ANDY TAUBER AUTHORED ARTICLE A BED OF THEIR OWN MAKING: TAXOTERE CLAIMS HELD UNTIMELY UNDER OREGON STATUTE OF REPOSE

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BCLP Counsel Andrew (Andy) Tauber's latest contribution to [Drug & Device Law](#), the country's leading blog on pharmaceutical and medical-device law, discusses plaintiffs' unsuccessful efforts to salvage untimely claims in the Taxotere multidistrict litigation (MDL).

Andy's article highlights the difference between statutes of limitations and statutes of repose, explaining that, unlike statutes of limitations, statutes of repose establish an absolute time limit to file suit, regardless of when the alleged injury is discovered, and are generally not subject to equitable tolling.

Oregon's statute of repose requires that product-liability suits be brought within ten years of the product's manufacture (or, as amended, within the period allowed under the law of the state in which the product was manufactured). Applying the statute of repose, a federal trial court dismissed as untimely two Taxotere cases, *Larsen* and *Sledge*.

Andy concludes that "*not all states have statutes of repose but—as Larsen and Sledge illustrate—they are powerful defenses where they exist.*"

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