

Bibliography

- ¹ Class Action Participation Bound Up in Fiduciary Duty - Financial Recovery Technologies (2022); [Subscribe to The Australian | Newspaper home delivery, website, iPad, iPhone & Android apps](#) (2024 article published by the Australian titled 'Local class-action litigation now second only to the US')
- ² <https://www.flsd.uscourts.gov/sites/flsd/files/TransferOrder-20md2924.pdf>
- ³ In re: *Zantac (Ranitidine) Products Liability Litigation*, No. 20-md-2924, 2022 WL 21837212 (S.D. Fla. Dec. 6, 2022) – The court granted defendants' Daubert motions, excluding plaintiffs' expert testimony and subsequently dismissing the federal cases due to insufficient evidence of general causation.
- ⁴ *Johnson v. Monsanto Co.* | Cases | California | Westlaw
- ⁵ *Hardeman v. Monsanto Co.*, No. 19-16636 (9th Cir. 2021) :: Justia
- ⁶ *Pilliod v. Monsanto Co.* :: 2021 :: California Courts of Appeal Decisions :: California Case Law :: California Law :: U.S. Law :: Justia
- ⁷ *Managing the Roundup™ Litigation* | Bayer Global
- ⁸ *Johnson v. Monsanto Co.* :: 2020 :: California Courts of Appeal Decisions :: California Case Law :: California Law :: U.S. Law :: Justia (*Johnson* case which discusses Monsanto/Bayer's reliance on EPA early opinion that glyphosate carcinogen causation was inconclusive); *Managing the Roundup™ Litigation* | Bayer Global (Bayer website maintaining denial that glyphosate is carcinogenic); *Glyphosate* | US EPA (current EPA webpage which maintains the EPA's position that glyphosate is not carcinogenic)
- ⁹ <https://www.abc.net.au/news/rural/2020-06-25/bayer-to-settle-roundup-lawsuits-with-16n-payout/12389978>
- ¹⁰ *CTS-Case-Study-Talc-JJ.pdf*
- ¹¹ *Kent et al. v Johnson & Johnson* (US\$18 million) and *Schultz et al. v Johnson & Johnson* (US\$22 million); *Talcum Powder Settlements - Verdicts & Payouts* (February 2026)
- ¹² *FDA bowed to industry for decades as alarms were sounded over talc* (Note the adverse tone taken against Johnson & Johnson in this Reuters article – making allegations that the FDA essentially turned a blind eye to potential asbestos in talc products.)
- ⁴ *Johnson v. Monsanto Co.* | Cases | California | Westlaw
- ⁵ *Hardeman v. Monsanto Co.*, No. 19-16636 (9th Cir. 2021) :: Justia
- ⁶ *Pilliod v. Monsanto Co.* :: 2021 :: California Courts of Appeal Decisions :: California Case Law :: California Law :: U.S. Law :: Justia
- ⁷ *Managing the Roundup™ Litigation* | Bayer Global
- ⁸ *Johnson v. Monsanto Co.* :: 2020 :: California Courts of Appeal Decisions :: California Case Law :: California Law :: U.S. Law :: Justia (*Johnson* case which discusses Monsanto/Bayer's reliance on EPA early opinion that glyphosate carcinogen causation was inconclusive); *Managing the Roundup™ Litigation* | Bayer Global (Bayer website maintaining denial that glyphosate is carcinogenic); *Glyphosate* | US EPA (current EPA webpage which maintains the EPA's position that glyphosate is not carcinogenic)
- ⁹ <https://www.abc.net.au/news/rural/2020-06-25/bayer-to-settle-roundup-lawsuits-with-16n-payout/12389978>
- ¹⁰ *CTS-Case-Study-Talc-JJ.pdf*
- ¹¹ *Kent et al. v Johnson & Johnson* (US\$18 million) and *Schultz et al. v Johnson & Johnson* (US\$22 million); *Talcum Powder Settlements - Verdicts & Payouts* (February 2026)
- ¹² *FDA bowed to industry for decades as alarms were sounded over talc* (Note the adverse tone taken against Johnson & Johnson in this Reuters article – making allegations that the FDA essentially turned a blind eye to potential asbestos in talc products.)
- ¹³ *Failures to Warn Supporting Products Liability Legal Claims* | Products Liability Law Center | Justia ; [0700114135skadden.pdf](#) (Skadden Arps article discussing the elements of making out a claim for failure to warn.)
- ¹⁴ *Johnson & Johnson hit with class action over 'carcinogenic' baby powder* | Lawyerly
- ¹⁵ *Product Liability Pelvic Mesh: Complications, Lawsuits, & Settlements* | Chicago Personal Injury Attorney | Thomas Plouff
- ¹⁶ *Transvaginal Mesh Timeline* | Boston Product Liability Lawyers
- ¹⁷ In re: *American Medical Systems, Inc. Pelvic Repair System Products Liability Litigation*, MDL No. 2325 (S.D. W. Va.).
- ¹⁸ In re: *Ethicon, Inc. Pelvic Repair Systems Products Liability Litigation*, MDL No. 2327 (S.D. W. Va.).
- ¹⁹ In re: *Boston Scientific Corp. Pelvic Repair System Products Liability Litigation*, MDL No. 2326 (S.D. W. Va.).
- ²⁰ *Transvaginal Mesh Settlements & Verdicts: February 2026*
- ²¹ *Transvaginal Mesh Settlements & Verdicts: February 2026; J&J loses challenge to \$302 million judgment over pelvic mesh marketing* | Reuters
- ²² *Transvaginal Mesh Settlements & Verdicts: February 2026*
- ²³ *300 Million Mesh Class Action Settlement Approved* | Shine Lawyers
- ²⁴ *Maddocks | Settlement approval for pelvic mesh class action against...*
- ²⁵ MDL No. 3:11-md-02244-K, N.D. Tex
- ²⁶ *Hip Replacement Lawsuit Updates & Settlements* (February 2026); IN RE: *DEPUY ORTHOPAEDICS* (2018) | FindLaw
- ²⁷ *\$502 Million Dollar Verdict Against Johnson & Johnson In DePuy Pinnacle Hip Implant MDL*
- ²⁸ *Hip Replacement Lawsuits | Verdicts and Settlements*
- ²⁹ *Microsoft Word - 469482_6.DOC* (Statement of claim – *Tammy Maree Stanford v DePuy International Limited & Anor*); *DePuy ASR hip implants class action* | Maurice Blackburn
- ³⁰ *Karpik v Carnival Plc* [2023] HCA 39
- ³¹ *Kathy Even, et al. v. Alcon Laboratories Inc., et al.*, Case No. 1:25-cv-00574, in the U.S. District Court for the District of Colorado
- ³² *Diane Dyess v. Novo Nordisk Inc., Case No. 2:25-cv-00546*, in the U.S. District Court for the Eastern District of Pennsylvania
- ³³ *Stewart, et al. v. Aeropres Corp., et al., Case No. 1:23-cv-13207*, in the U.S. District Court for the Northern District of Illinois
- ³⁴ [Tepezza Lawsuit: Hearing Loss Claims & Lawsuit Updates](#)
- ³⁵ [NEC Baby Formula Lawsuit | Latest Verdicts and Settlement](#)
- ³⁶ <https://www.fedcourt.gov.au/law-and-practice/practice-documents/practice-notes/gpn-undr>
- ³⁷ *Sigma Pharmaceuticals (Australia) Pty Ltd v Wyeth* [2018] FCA 1556
- ³⁸ *Sigma Pharmaceuticals (Australia) Pty Ltd v Wyeth* [2018] FCA 1556
- ³⁹ <https://www.fedcourt.gov.au/law-and-practice/practice-documents/practice-notes/cpn-1>
- ⁴⁰ <https://www.fedcourt.gov.au/law-and-practice/practice-documents/practice-notes/ip-1>
- ⁴¹ <https://www.fda.gov/drugs/abbreviated-new-drug-application-anda/hatch-waxman-letters>
- ⁴² <https://www.tga.gov.au/news/media-releases/new-transparency-measures-prescription-medicines>
- ⁴³ www.tga.gov.au/sites/default/files/prescription-medicines-transparency-measures.pdf
- ⁴⁴ An organisation means: (a) an individual; (b) a body corporate; (c) a partnership; (d) any other unincorporated association; or (e) a trust; that is not a small business operator, a registered political party, an agency, a State or Territory authority or a prescribed instrumentality of a State or Territory (Privacy Act, s 6C).
- ⁴⁵ A health service is defined as: An activity performed in relation to an individual is a health service if the activity is intended or claimed (expressly or otherwise) by the individual or the person performing it: (a) to assess, maintain or improve the individual's health; (b) where the individual's health cannot be maintained or improved – to manage the individual's health; (c) to diagnose the individual's illness, disability or injury; (d) to treat the individual's illness, disability or injury or suspected illness, disability or injury; or (e) to record the individual's health for the purposes of assessing, maintaining, improving or managing the individual's health (Privacy Act, s 6FB).
- ⁴⁶ Privacy Act, Sch 1.
- ⁴⁷ Privacy Act, s 6.
- ⁴⁸ Privacy Act, s 6.
- ⁴⁹ Privacy Act, s 6FA.
- ⁵⁰ *Health Records and Information Privacy Act 2002* (NSW), *Health Records Act 2001* (Vic) and *Health Records (Privacy and Access) Act 1997* (ACT).
- ⁵¹ *Facebook Inc v Australian Information Commissioner* [2022] FCAFC 9.
- ⁵² *Gebo Investments (Labuan) Ltd v Signatory Investments Pty Ltd* [2005] NSWSC 544, [33].
- ⁵³ *Australian Securities and Investments Commission v ActiveSuper Pty Ltd* (No 1) [2012] FCA 1519 at [47].
- ⁵⁴ *OAIC, Australian Privacy Principles guidelines – Chapter B: Key concepts*, see here: <http://www.oaic.gov.au/privacy/australian-privacy-principles/australian-privacy-principles-guidelines/chapter-b-key-concepts>.
- ⁵⁵ *OAIC Notifiable Data Breach statistics dashboard* (accessed 17 February 2026)
- ⁵⁶ *Health Records and Information Privacy Act 2002* (NSW), *Health Records Act 2001* (Vic) and *Health Records (Privacy and Access) Act 1997* (ACT).
- ⁵⁷ *OAIC, Australian Privacy Principles guidelines – Chapter 2: APP 2 Anonymity and pseudonymity*, see here: <http://www.oaic.gov.au/privacy/australian-privacy-principles/australian-privacy-principles-guidelines/chapter-2-app-2-anonymity-and-pseudonymity>.
- ⁵⁸ *National Health and Medical Research Council, Guidelines approach under section 95A of the Privacy Act 1988*, see here: <http://www.nhmrc.gov.au/about-us/publications/guidelines-approved-under-section-95a-privacy-act-1988>.
- ⁵⁹ <https://www.cyber.gov.au/business-government/asds-cyber-security-frameworks/essential-eight>
- ⁶⁰ *Thaler v Commissioner of Patents* [2021] FCA 879
- ⁶¹ *Commissioner of Patents v Thaler* [2022] FCAFC 62
- ⁶² *Second Request for Reconsideration for Refusal to Register Théâtre D'opéra Spatial* (Copyright Review Board, Sept. 5, 2023)
- ⁶³ *Li v. Liu* (Beijing Internet Court, Nov. 27, 2023)
- ⁶⁴ *CA's SB 53, EU AI Act are both governance frameworks, but the similarities end there* | IAAPP
- ⁶⁵ <https://www.minterellison.com/articles/australia-introduces-a-national-ai-plan-four-things-leaders-need-to-know>
- ⁶⁶ *Final report – Review of AI and the Australian Consumer Law* | Treasury.gov.au
- ⁶⁷ *Work Health and Safety Amendment (Digital Work Systems) Act 2026* (NSW)
- ⁶⁸ *Washington Supreme Court Extends Medical-Device Manufacturers' Duty to Warn* - Washington Legal Foundation
- ⁶⁹ *Taylor v. Intuitive Surgical, Inc., 389 P.3d 517, 528* (2017)
- ⁷⁰ <https://www.supremecourt.vic.gov.au/sites/default/files/2024-08/Notice%20of%20Proposed%20Settlement.pdf>
- ⁷¹ *Merck & Co, Inc, et al. v. ACE American Insurance Company, et al.* No. UNN-L-2682-18
- ⁷² *EU Medical Device Regulation (MDR 2017/745), Article 10(16)*

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