

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION – CIVIL

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IN RE: :  
: June Term 2022  
ZANTAC LITIGATION :  
: No. 1364  
: Control No. 25122217  
:  
ROBERTO JIMENEZ :  
: September Term 2021  
v. :  
: No. 0775  
BOEHRINGER INGELHEIM :  
CORPORATION, ET AL. : Control No. 25122216  
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ORDER

AND NOW, this 15th day of April, 2026, upon consideration of the Motions to Recuse, the Responses, and after oral argument, it is **ORDERED** that the Motions are **DENIED**.<sup>1</sup>

ORDER-In Re: Zantac Litigation [LKO]



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<sup>1</sup> These motions were filed by “Roberto Jimenez - and the other Plaintiffs represented by [the law firm of Keller Postman LLC].” The basis for the motion is my wife, Shannon McClure Roberts, Esq., is a partner at the law firm of Blank Rome LLP, and Blank Rome represents Apotex Corporation. Apotex is a defendant in exactly one of the over 550 cases currently pending in the Zantac mass tort program: *Hilbert, et al. v. Boehringer Ingelheim, et al.*, August Term 2021 No. 1493.

As a preliminary matter, Apotex is *not* a defendant in the *Jimenez* case so there can be no basis to recuse as it pertains to that case. Moreover, Keller Postman does *not* represent the plaintiffs in *Hilbert*. The law firm of Anapol Weiss represents the *Hilbert* plaintiffs. Anapol Weiss has not filed a motion to recuse. This Court concludes that Keller Postman (which includes any plaintiff represented by Keller Postman) has no right to pursue a motion to recuse in a case in which that firm is not counsel, and does not represent the plaintiff and purported movant.

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Anapol Weiss filed the *Hilbert* matter in August 2021. In October 2021, Blank Rome entered its appearance on behalf of Apotex. Blank Rome and Apotex have been involved in the *Hilbert* matter prior to the creation of the Zantac mass tort. In or around February 2025, my wife left the law firm of Reed Smith and joined Blank Rome. I “disclosed” that fact in a supplemental 1925(a) Opinion (2689 EDA 2024) filed on February 28, 2025. Thus, as of that date, Anapol Weiss (and Keller Postman) would have (or should have) been on notice and could have promptly moved for recusal on this basis, if appropriate. As noted, Anapol Weiss has never moved for recusal. Keller Postman claims that it learned of Blank Rome’s representation of Apotex during its review of the appellate record in the previously referenced appeal, 2689 EDA 2024. Keller Postman claims that it raised my potential recusal on this basis (i.e. Blank Rome) in the Superior Court at some undefined time, but Keller Postman did not raise the issue with the undersigned until a November 12, 2025 status conference regarding the Superior Court’s remand order of September 18, 2025. Keller Postman declined to make an oral motion to recuse at that time, and instead filed this Motion to Recuse on December 9, 2025. In this respect, I conclude that Keller Postman – to the extent it can even pursue this motion – has waived the issue because it waited too long seek to recusal.

Even if Keller Postman (and the plaintiffs represented by Keller Postman) can pursue the motion on the basis of *Hilbert’s* inclusion in the Zantac mass tort program – a premise I reject – there still is no merit to the arguments raised. The law presumes that judges of this Commonwealth are honorable, fair and competent, and, when confronted with a recusal demand, have the ability to determine whether they can rule impartially and without prejudice. *2303 Bainbridge LLC v. Steel River Building Systems, Inc.*, 239 A.3d 1107, 1118 (Pa. Super. 2020). The undersigned concludes, after a conscientious determination, that I can manage the Zantac mass tort in an impartial manner free of personal bias or interest in the outcome. Management of the program ranges from case management, ruling on procedural motions, ruling on substantive motions, and positioning bellwether cases for trial. Through this process, I work with court-appointed liaison counsel (Blank Rome is *not* liaison counsel). It is exceptionally rare that individual cases are discussed until the bellwether selection process, and I do not preside over the actual trials.

Briefly, to reiterate, Apotex is one of at least 20 remaining defendants in the *Hilbert* matter, which is one of over 550 cases pending in the Zantac mass tort. Terry Henry, Esq., Blank Rome’s counsel for Apotex, stated at the November 12, 2025 oral argument that (i) my wife does not represent Apotex in any matter in any jurisdiction; (ii) my wife is walled off from having anything to do with Apotex; (iii) my wife’s compensation has no direct relationship to the amount of fees or income

BY THE COURT:

J.

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that Blank Rome earns from Apotex; and, (iv) my wife's compensation from Blank Rome is not tied to Blank Rome's representation of Apotex. Any economic interest I would have via my role as mass tort team leader, through my wife's affiliation with Blank Rome, and Blank Rome's representation of Apotex in this one case in the mass tort is, at best, exceptionally attenuated to the point of being nearly non-existent. Thus, under Rule 2.11(A)(3), there is no basis for my recusal over management of the entire Zantac program based on the inclusion of Apotex as a single defendant in one of the cases included in the program.

To the extent, however that the *Hilbert* case becomes more prominent in the program and/or Apotex's (or Blank Rome's) role increases, I always retain the right to call upon a colleague to determine substantive issues in *Hilbert* and/or related to Apotex.