

SUPREME COURT OF THE STATE OF DELAWARE

In re Depo-Provera Litigation

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SUMMARY

The Delaware Supreme Court refused an interlocutory appeal from orders governing case management, data administration, and plaintiff case vetting in consolidated Depo-Provera litigation. The Court held that the strict standards for interlocutory review under Delaware Supreme Court Rule 42 were not met and that exceptional circumstances did not warrant review.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Justice Valihura; Justice Traynor; Justice Legrow
JURISDICTION	Supreme Court of the State of Delaware
DECIDED	February 25, 2026
DOCKET	No. 513, 2025
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs sought certification of an interlocutory appeal from the Superior Court's case management, data administration, and case vetting orders. The Superior Court declined to certify the appeal, and the Supreme Court refused interlocutory review.
STANDARD OF REVIEW	Applications for interlocutory review are addressed to the Supreme Court's sound discretion. Certification requires satisfaction of the strict standards in Delaware Supreme Court Rule 42(b), including exceptional circumstances warranting review before final judgment.
PRECEDENTIAL VALUE	Published Delaware Supreme Court per curiam order
PARTIES	Keller Plaintiffs v. Pfizer, Inc., Pharmacia, LLC, Pharmacia & Upjohn Company LLC

TOPICS

- interlocutory appeal
- appellate procedure
- civil procedure
- hipaa
- health law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Superior Court's orders presented a substantial issue of material importance and exceptional circumstances warranting certification of an interlocutory appeal under Delaware Supreme Court Rule 42.
2. Whether the potential benefits of interlocutory review outweighed the inefficiency, disruption, and probable costs of an interlocutory appeal.

HOLDINGS

1. Interlocutory review was not warranted because the application did not satisfy Rule 42(b)'s strict certification standards and no exceptional circumstances justified review before final judgment.

KEY QUOTATIONS

“Exceptional circumstances that would merit interlocutory review of the Orders do not exist in this case, and the potential benefits of interlocutory review do not outweigh the inefficiency, disruption, and probable costs caused by an interlocutory appeal.” (¶ 5)

FACTUAL BACKGROUND

More than 300 plaintiffs sued Pfizer and related defendants in Delaware, alleging that Depo-Provera caused intracranial meningiomas. The Superior Court entered coordinated case-management orders addressing general causation, data administration and e-discovery, and initial documentary proof of each plaintiff's drug use and diagnosis. The orders were modeled on procedures used in related multidistrict and state-court litigation.

PROCEDURAL HISTORY

The Superior Court entered orders coordinating and managing more than 300 Depo-Provera-related actions, including orders requiring use of a third-party data and e-discovery platform and documentary proof of Depo-Provera use and diagnosis. The Keller Plaintiffs moved under Delaware Supreme Court Rule 42 for certification of an interlocutory appeal, arguing that the orders exceeded the court's authority and implicated HIPAA. The Superior Court denied certification, and the Supreme Court affirmed that determination by refusing the interlocutory appeal.

DISPOSITION

other