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## Wyeth Must Pay \$134.1 Million in Menopause Drug Suit (Update3)

By Jef Feeley - October 15, 2007 19:46 EDT



Robert R. Ruffolo Jr., president of Wyeth R&D

Oct. 15 (Bloomberg) -- [Wyeth](#) must pay \$134.1 million, including \$99 million in punitive damages, over its mishandling of menopause drugs that helped cause three Nevada women's cancers, a jury ruled.

The panel ruled Oct. 12 that the company owed the women \$35.1 million in compensatory damages. Jurors in state court in Reno concluded today that Wyeth, the largest maker of hormone-replacement medicines, should also pay Arlene Rowatt, Jeraldine Scofield and Pamela Forrester punitive damages for concealing the breast-cancer risks of its Prempro and Premarin drugs.

"We got the word out that a lot of women have been injured by this type of behavior by this company," Rowatt said after the verdict. She said she was "ecstatic" with the award. Lawyers for Wyeth, the largest maker of hormone-replacement therapies, said the company will appeal the verdict.

The three women's [suits](#), which were combined for trial, are among about 5,300 against Madison, New Jersey-based Wyeth over its menopause drugs. As many as 6 million women took the pills to treat menopause symptoms such as hot flashes and mood swings before a 2002 study highlighted the drugs' links to cancer.

Annual [sales](#) of Wyeth's hormone-replacement drugs exceeded \$2 billion before the 2002 Women's Health Initiative study, sponsored by the U.S. National Institutes of Health, suggested women using the medicines had a 24 percent higher risk of breast cancer. The drugs, which are still on the market, generated more than \$1 billion in sales in 2006.

## Ignored Risks

Lawyers for Rowatt, Scofield and Forrester argued in the Reno case that Wyeth officials ignored Prempro's health risks and failed to properly warn doctors and consumers about the drug's cancer link to boost profits.

Wyeth's lawyers insisted the company conducted extensive safety tests on the drugs and warned of the risks through prescription labels and information sheets. The Reno verdict is the company's fourth trial loss in suits over the drugs.

“The verdict is an extreme aberration,” said [Heidi Hubbard](#), an attorney for Wyeth. “It is inconsistent with the end result of all other hormone-therapy cases tried to date, and is inconsistent with the evidence. We are confident the Nevada Supreme Court will give the flawed verdict careful scrutiny.”

Jurors considered ordering Wyeth to pay more than \$1 billion in punitive damages before settling on the lower number, said Emery Pierce, 22, a supervisor for United Parcel Service who served on the panel.

Pierce said jurors were upset that Wyeth used misleading information on its labels for the Premarin and Prempro menopause drugs.

## ‘Care Enough’

“There's no way they provided an adequate warning,” the Reno resident said. “They didn't seem to care enough that breast cancer kills people.”

Having a jury find Wyeth's conduct warrants a punitive-damage award should be a concern for the company, said Michael Kelly, a Wilmington, Delaware-based lawyer who represents drugmakers in product-liability cases.

“The punitive award shows that the jury found there was a conscious indifference to patient safety,” Kelly said. “That's not the kind of reputation a pharmaceutical company wants to have.”

The Reno verdict was the fourth loss for Wyeth since lawsuits over the menopause drugs began going to trial in August 2006. It's the largest verdict so far in the hormone-replacement therapy cases and the eighth-largest verdict of any kind in the U.S. this year, according to Bloomberg data.

## Prempro Trials

The company has won two federal-court suits that have come to trial over Prempro and Premarin as well one case filed in state court in Philadelphia. Three other Philadelphia juries found the medicines contributed to the development of breast cancer in women and ordered the company to pay a total of \$3 million in damages. Judges later threw out those verdicts.

Until 1995, many menopausal women combined Premarin, Wyeth's estrogen-based drug, with progestin-laden Provera to relieve their symptoms. That year, Wyeth combined the two hormones in its Prempro pill after winning the U.S. Food and Drug Administration's approval of the treatment.

Rowatt, 67, Scofield, 74, and Forrester, 64, all used Wyeth's hormone replacement drugs for different lengths of time, according to court records. Rowatt was awarded \$31 million in punitive damages by the Reno jury, Scofield \$33 million and Forrester \$35 million.

Rowatt, a retired Defense Department worker, used the drugs for more than seven years. Forrester, a former administrative assistant, used them for more than nine years. Scofield, a homemaker, was on hormone-replacement therapies for 15 years.

'Deserved This'

All three women sat through the entire five-week trial. After the initial verdict was handed down last week, the trio cried as they hugged **Zoe Littlepage, one of their lawyers**. "You so deserved this," the lawyer told them.

The jury initially awarded the plaintiffs \$134.5 million, or more than \$43 million each. The panel had to reconsider that verdict after Judge Robert Perry learned part of the figure was intended to punish Wyeth for its mishandling of the drugs.

Jurors cut that award to a total of \$35.1 million in compensatory damages for the three women after spending several hours reconsidering their verdict on Friday.

Wyeth lawyer [Dan Webb](#) today asked Perry to throw out the punitive-damage verdict because of the jury error. The judge refused.

The jury told these three women "that their lives and suffering have value," **Littlepage** said. The decision shows "what a courageous Nevada jury thinks of what Wyeth has done."

According to a company-funded study presented today in Washington, Wyeth's drug Pristiq, the first non-hormone menopause pill, reduces symptoms such as hot flashes more effectively than placebo. Pristiq was delayed by regulators for additional safety tests.

The case is Arlene Rowatt, et. al., v. Wyeth Pharmaceuticals Inc., 04-01699, Second Judicial District Court, State of Nevada, Washoe County (Reno).

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