

Midlands

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Fen-Phen Trial Starts In Iowa

Lawyers square off
in a civil case filed over
use of the once-popular
diet drug combination

BY PATRICK STRAWBRIDGE
COUNCIL BLUFFS BUREAU

Greed. Responsibility. Life. Death. Truth. These were the themes tossed around the Pottawattamie County Courthouse on Tuesday, as lawyers made their opening statements in a civil trial involving the once-popular, now-reviled diet drug combination known as fen-phen.

On one side of the courtroom was plaintiff Dorothy Rollins, a 51-year-old woman who lives in Treynor. She took fen-phen for almost a year to lose weight. Now she's partially paralyzed by complications from heart problems. Her lawsuit blames fen-phen and its maker — a corporation that her lawyer said "put profits over the safety of people."

A few feet away from Rollins sat the defense team for that corporation, American Home Products. American Home's lawyers said that when their client marketed fen-phen, it did so responsibly.

And while they sympathize with Rollins' health problems, they questioned whether the evidence will show that their pills are responsible for her condition.

Their cases summarized, the attorneys plunged into the evidence. The trial is expected to last for at least three weeks. Most of Tuesday afternoon was spent introducing

videotaped testimony.

At stake in the case are millions of dollars in damages — and the possible future of other lawsuits against American Home Products. The company already has offered more than \$3.75 billion to settle thousands of fen-phen related lawsuits. A large award by the Pottawattamie County jury could lead to more trials — and a higher cost — for the New Jersey-based company.

Rollins' lead attorney, **Zoe Littlepage**, told the jury that American Home should pay that price. She highlighted evidence that she said shows the company tried to downplay the dangers of the pills Redux and Pondimin — forms of fenfluramine, or "fen."

"They gambled with the safety of their users," **Littlepage** said. "The people who got hurt are Dorothy and (husband) Gene Rollins."

Littlepage said the profits generated by the sales of Redux and Pondimin led the company to fight reports that the drug was damaging some users' heart valves — causing leaks, heart failure and even death.

"They made a tremendous amount of money off these pills," **Littlepage** said.

In 1997, Redux and Pondimin were pulled from store shelves at the FDA's request. By that time, millions of Americans had used the drugs in combination with phentermine to try to lose weight. Phentermine remains available on the market; it has not been linked to heart problems.

American Home's lawyers fought back in their presentation. They highlighted copies of the drug's

"This is a company that put profits over the safety of people."

— **Zoe Littlepage**
Rollins' attorney

warning labels, showing changes over time as more concerns about the pills' safety surfaced.

Attorney Brian Lietch said that in some cases, the plaintiff's version of the case was "just plain wrong."

"The facts are critically important," he said. "You need to let the facts determine the story."

The company's attorneys also raised questions about Rollins' medical history — suggesting that her past health exams indicated that fen-phen may not be to blame for her illness.

Rollins' case is one of only a handful of the lawsuits against American Home

Products that has proceeded to trial. It's the first to get this far in the Midwest. Legal observers consider the case a barometer for how the fen-phen lawsuits fare in this region.

Other juries have hammered American Home Products with multimillion-dollar judgments. Lietch acknowledged that at first blush, American Home Products can easily be vilified.

"I've got a big hill to climb up," he said. "But I can't wait to do it."



Lietch



Littlepage