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Jury Awards \$99 Million In Wyeth Drug Case



The lobby of the headquarters of pharmaceutical company Wyeth is shown in Madison, N.J., in this Oct. 19, 2006 file photo. Pharmaceutical company Wyeth said Thursday, April 19, 2007 its first-quarter profit rose 12 percent, led by higher sales and higher interest income. AP

Jurors awarded \$99 million in punitive damages Monday to three Nevada women who claimed hormone replacement drugs distributed by pharmaceutical giant Wyeth caused their breast cancer.

A Wyeth attorney called the award "an aberration" and said it would be appealed.

The Washoe County District Court jury initially issued a \$134.5 million judgment against Wyeth last week, but Judge Robert Perry slashed that to \$35 million after it became clear some of the jurors were under the mistaken belief that award was to include punitive damages intended to punish the company.

After lawyers for both sides gave closing arguments again on Monday, the judge instructed the five-man, two-women jury to move to the punitive stage of the trial to consider whether the company's actions were so "reprehensible" that additional damages were warranted to punish it

and discourage such behavior in the future.

"This verdict is an extreme aberration," said Heidi Hubbard, a partner in the law firm representing Wyeth. "It is inconsistent with every other hormone therapy case to be tried to date and it is inconsistent with the evidence."

The judgment is by far the largest award to date against the Madison, N.J.-based company, which faces about 5,300 similar lawsuits across the country in state and federal courts.

All involve the drugs Premarin, an estrogen replacement, and Prempro, a combination of estrogen and progesterone. The drugs are prescribed to women to ease symptoms of menopause.

The jurors returned at 1 p.m. Monday, two hours after they began deliberations following an impassioned plea by one of the women's lawyers to return a large enough judgment to "get the attention and hold responsible" a company with a net worth of \$14.6 billion.

"You already found Wyeth acted with fraud and malice. You found they did wrong. Now you can punish them for what they did to these women," Zoe Littlepage told the jurors.

"We're talking about a company that decided year after year to put their profits and money over the safety of their patients who got breast cancer," she said.

Dan Webb, Wyeth's lead attorney, urged the jury to re-examine the evidence thoroughly and resist the temptation to reissue the original \$100 million judgment.

"You'll decide whether you've already punished Wyeth enough," Webb said.

"For Ms. Littlepage to suggest you have not captured Wyeth's attention with your verdict is just wrong," he said. "My client has received the message."

But Littlepage said the only message Wyeth's corporate officers have received was a phone call from Webb informing them of last week's verdict. She took them to task for not attending the trial.

"I listen to Wyeth's lawyer and still no apology," Littlepage said Monday.

"He's the only one representing Wyeth because Wyeth won't show up in Reno. There's been no showing of acceptance by Wyeth, if anything just more blame," she said. "When will Wyeth look in the mirror and take some responsibility for what they did?"

The judge refused Webb's request to grant a mistrial last week based on the argument that the jurors were predisposed to punish the company before the punitive phase of the trial had begun.

The panel deliberated for two days before reaching its initial verdict.

Under last week's revised judgment, jurors awarded \$10.5 million to Jeraldine Scofield, 74, of

Fallon; \$12 million to Arlene Rowatt, 67, of Incline Village; and \$12.5 million to Pamela Forrester, 65, of Yerington.

In the punitive phase, Forrester received \$35 million, Scofield \$33 million and Rowatt \$31 million.

During the trial, Wyeth lawyers argued that the drugs were safe and approved by the U.S. Food and Drug Administration. They also said information about possible risks is included with every prescription and provided to the women's doctors.

They argued that the women had other risk factors, making it impossible to link their cancer with the hormone replacement drugs.

Littlepage said that as far back as 1975 there were "a number of red flags" that put Wyeth on notice that there were some real questions that needed to be answered about the cancer risk.

"Wyeth made no effort to answer those questions, to find out what these drugs were doing in the breast," she said.

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