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Pfizer's Bid to Appeal \$58 Million Prempro Jury Award Denied

By Greg Stohr and Jef Feeley - Jun 20, 2011

The U.S. Supreme Court refused to hear a [Pfizer Inc. \(PFE\)](#) unit's appeal of a \$58 million award to three Nevada women who contracted [breast cancer](#) after taking the company's Premarin and Prempro menopause drugs.

The rebuff leaves the award as the largest to be upheld on appeal in thousands of hormone-replacement drug suits. More than 6 million women took Prempro and other menopause drugs before a 2002 study highlighted their links to cancer. Pfizer and its units at one point faced more than 10,000 claims, according to lawyers for former users.

The [Nevada Supreme Court](#) concluded jurors properly held Pfizer's Wyeth unit responsible for hiding the breast-cancer risks of Premarin and Prempro. The original 2007 award totaled \$134.1 million to Arlene Rowatt, Jeraldine Scofield and Pamela Forrester. The trial judge later reduced the verdict to \$57.6 million.

"While we are disappointed with the [Supreme Court](#)'s decision, it does nothing to change the fact that hormone therapy medicines are an important treatment option for many women with debilitating symptoms of menopause," Chris Loder, a Pfizer spokesman, said in an e-mailed statement.

At the U.S. Supreme Court, Wyeth argued the Nevada judge should have ordered a new trial rather than reduce the award. The company argued the jury was swayed by an "improper and inflammatory" closing argument by the women's lawyer.

'False Reassurances'

Attorneys for the women urged the Supreme Court not to get involved, saying the award was warranted in light of the company's mishandling of the drug and misleading marketing campaign.

"Wyeth refused to accept responsibility for what it did to these brave women," [Zoe Littlepage, a lawyer for Rowatt, Scofield and Forrester](#), said in an e-mailed statement. "Wyeth can't hide any more. These women will finally see justice."

Annual sales of Wyeth's hormone-replacement drugs exceeded \$2 billion before a 2002 study, sponsored by the U.S. National Institutes of Health, suggested that women using the medicines had a

24 percent higher risk of breast cancer.

Until 1995, many patients combined [Premarin](#), Wyeth's estrogen-based drug, with progestin-laden Provera, made by Pfizer's Pharmacia & Upjohn unit. Wyeth then combined the two hormones in Prempro. The drugs are still on the market.

Largest Drugmaker

New York-based Pfizer, the world's largest drugmaker, acquired Wyeth in 2009. The company, which has settled a third of the pending cases over its Prempro menopause drug, said last month that it set aside \$772 million to resolve claims over the medicine.

Rowatt, Scofield, Forrester were all in their 60s at the time of the verdict. Forrester and Rowatt have since died of causes unrelated to the litigation.

In April 2008, a judge awarded the women's lawyers more than \$1.6 million in fees and expenses, [Littlepage](#) said in a statement. That brings the total award to more than \$59 million.

The case is Wyeth LLC v. Scofield, 10-1177, U.S. Supreme Court ([Washington](#)).

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