



Product Liability Plaintiffs Firms Of The Year

By **Liz McKenzie**

Law360, New York (January 02, 2010, 5:23 PM ET) -- Law360's top product liability plaintiffs firms of 2009 garnered substantial verdicts against pharmaceutical heavyweights such as [Pfizer Inc.](#) and [Novartis Pharmaceutical Corp.](#) and chipped away at Big Tobacco from new angles, racking up hundreds of millions of dollars in damages.

Law360's product liability plaintiffs firms of the year — [Kellogg Huber Hansen Todd Evans & Figel PLLC](#), Pogust Braslow & Millrood LLC, [Littlepage Booth](#), Kelley/Uustal Law Firm, [Valad & Vecchione PLLC](#), Trieweiler Law Firm, [Levin Papantonio Thomas Mitchell Echsner & Proctor PA](#), Paige Trop & Ameen PA and The Alvarez Law Firm — represented plaintiffs in forums from the [U.S. Supreme Court](#) to local courts.

They set the stage in several bellwether trials and took in multimillion-dollar verdicts for clients who suffered injuries from cigarette smoking, as well as from pharmaceutical drugs designated for the treatment of bone cancer, menopause and allergies.

Pogust Braslow & Millrood LLC and [Littlepage Booth](#)

Pogust Braslow and [Littlepage](#) land a spot on Law360's list of top product liability plaintiffs firms for their equal roles in attaining million-dollar verdicts for women alleging that Pfizer's popular menopause drugs Prempro and Prover caused them to develop breast cancer.

In November, the firms worked together to bring home verdicts totaling \$34.3 million for 66-year-old plaintiff Donna Kendall and \$78.75 million for bellwether plaintiff Connie Barton, 64, who had alleged that taking Prempro for years caused them to develop breast cancer.

The plaintiffs claimed that Wyeth and other drug company defendants, through a decades-long marketing campaign, convinced doctors and the public that menopause was a chronic disease — as opposed to a natural aging process — that required hormone drug treatment.

“I think we did a very effective job in explaining to the jury how these drugs work and how they hurt people,” Pogust Braslow attorney Tobias Millrood said. “You don't fool with Mother

Nature — a woman’s body is intended to progress throughout her course of life.”

Both verdicts came from the Philadelphia County Court of Common Pleas, and Kendall’s award — \$28 million in punitive damages and \$6.3 million in compensatory damages — was the largest compensatory damages award in the history of that court. The cases are but two of the roughly 1,500 Prempro lawsuits pending in Philadelphia.

Millrood said the plaintiffs urged jurors to make the pharmaceutical companies take responsibility for their actions.

“[I said], ‘No one has been able to tell this company to stop what it’s doing, so you as members of the jury have the ability to do that,’” Millrood said. “I think that those were strong themes, and they correlated with everyone. Both of these companies completely turned a blind eye to what would happen if women took these drugs for the long periods of time they are supposed to take them for.”

Millrood and **Zoe Littlepage of Littlepage Booth** said evidence and testimony from Pfizer executives on its studies — or alleged lack thereof — of the long-term effects of the hormone replacement therapies weighed heavily on jurors.

“I think the verdicts suggest that when jurors get to see the actual evidence of what these companies did, they will consistently return very high punitive damages awards,” **Littlepage** said.

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