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MASS-TORT LABEL PINNED TO SUITS OVER DRUG LINKED TO BRAIN HEMORRHAGING

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Suits over a widely used additive in over-the-counter and prescription medications have been added to the list of mass torts centralized in Middlesex County.

In an order published today, Chief Justice Deborah Poritz applied the designation to all suits arising from phenylpropanolamine, an ingredient in many cold medicines and diet drugs until a Yale University School of Medicine study linked it to hemorrhagic stroke.

Judge Marina Corodemus, who will supervise the litigation, has set the first case management conference for Oct. 19.

At least 100 plaintiffs have filed suits against 17 defendants in New Jersey, says Michelle Perone, chief of civil court programs at the Administrative Office of the Courts. Many more are anticipated.

"We expect that you're going to see thousands of people because PPA was an ingredient in many over-the-counter drugs such as Contac, Acutrim, sold under many brand names," says Perone. "So potentially the exposure is tremendous

Defendants named so far include American Home Products, Novartis, Whitehall-Robins, Schering-Plough, Bayer, Smith Kline Beecham, A.H Robbins and Ciba-Geigy Pharmaceutical, as well as the Eckerd drugstore company.

Last November, the Food and Drug Administration recommended that drugs containing PPA be removed from store shelves, based on the Yale University School of Medicine report. Dozens of over-the-counter and prescription drugs containing PPA were recalled, including Alka-Seltzer Plus Cold Medicine, Comtrex Liqui-Gels Capsules, Dexatrim Gelcaps and Dimetapp Elixir.

Lawrence Cohan, of the Cherry Hill office of Philadelphia's Anapol, Schwartz, Weiss, Cohan, Feldman and Smalley, has filed PPA cases on behalf of a half-dozen plaintiffs in New Jersey but has 100 more that his firm is investigating.

Christopher Placitella, a partner at Wilentz, Goldman & Spitzer in Woodbridge, represents about 30 plaintiffs.

Among the defense lawyers are Kevin Gardner, a partner with Connell Foley in Roseland, representing Novartis, and Timothy Duffy, a partner at McElroy, Deutsch and Mulvaney in Morristown, who represents Bayer. Both said they would dispute the allegations.

Nationwide, PPA has been the subject of thousands of suits but no verdicts have been reported, says Paul Rheingold, of New York's Rheingold, Valet, Rheingold & Shkolnik, which specializes in mass-tort litigation over recalled drugs. Rheingold's firm has no PPA cases in New Jersey but dozens in other states.

Rheingold predicts PPA litigation won't account for as many suits as diet drugs and breast implants. He said that while the number of people using the recalled drugs is great, relatively few of them had strokes after taking the drugs.

A few people have died from strokes after taking PPA but most who suffered strokes are now disabled, including many in their 20s and 30s, says Rheingold.

Proving PPA caused strokes is expected to be more complicated for older people who might have had other health factors contributing to the stroke.