

[Prempro Litigation Report: Here Is A Tale of Two Very Different Recent Case Outcomes](#)

As Of December 2010 The Fourteen Jury Verdicts Are Evenly Split Between Defendant Pfizer And Plaintiffs

(Posted by Tom Lamb at www.DrugInjuryWatch.com on December 9, 2010; see <http://bit.ly/gfdYtR>)

We will start with the more recent case, *Torkie-Tork v. Wyeth*, 04-cv-945, U.S. District Court for the Eastern District of Virginia (Alexandria).

As indicated by the title of this December 3, 2010 *Bloomberg* article, "[Pfizer Properly Warned About Prempro Risks, Jury Finds](#)", the outcome was a defense verdict, and a quick one at that:

Jurors in federal court in Alexandria, Virginia, deliberated about four hours over two days before finding that Georgia Torkie-Tork couldn't show that Wyeth officials downplayed the breast-cancer risks associated with Prempro, a hormone-replacement drug.

One of the arguments asserted by Pfizer's lawyers suggests that this case outcome may be "unique" as opposed to any type of barometer for this ongoing Prempro litigation:

Pfizer's lawyers argued that Torkie-Tork couldn't prove she and her doctors received inadequate warnings about Prempro's cancer risks because she couldn't show which of her doctors prescribed the menopause drug.

Evidence in the case showed that some of her physicians destroyed their records as part of normal business practices and couldn't remember prescribing the drug for the woman.

Now let's move out west, where the Nevada Supreme Court issued a ruling in late November 2010 which produced this attention-getting headline, "[Pfizer Loses Appeal of \\$58 Million Prempro Jury Award](#)", on a November 24 *Bloomberg* article.

The underlying case was *Rowatt v. Wyeth Pharmaceuticals Inc.*, 04-01699, Second Judicial District Court, State of Nevada, Washoe County (Reno), which involved the claims of three women who alleged that Premarin and Prempro caused their breast cancer and that Pfizer failed to properly warn doctors about this serious side effect.

From the November 24 *Bloomberg* article:

Pfizer Inc. doesn't deserve a new trial in a Nevada case over the company's menopause drugs and must pay a \$57.6 million jury award to three women who alleged the pills caused their cancers, the state's highest court ruled.

The Nevada Supreme Court concluded today that jurors properly held Pfizer's Wyeth unit responsible for hiding the breast-cancer risks of its Premarin and Prempro menopause drugs. The original award totaled \$134.1 million in damages to Arlene Rowatt, Jeraldine Scofield and Pamela Forrester. The verdict later was reduced to \$57.6 million by the trial judge.

The awards "are supported by substantial evidence" and are "reasonable and proportionate" to Wyeth's actions, the justices decided.

So there you have it, a Nevada jury decides that the drug company's conduct as concerns Premarin and Prempro warranted a \$134 million verdict, which was reduced to \$58 million -- and the Nevada Supreme Court agrees -- while a Virginia jury hands back a defense verdict after deliberating for just four hours.

We will continue to watch this Prempro litigation to see which way it is truly headed.

Attorney [Tom Lamb](#) represents people in personal injury and wrongful death cases involving unsafe prescription drugs or medication errors. The above article was posted originally on his blog, **Drug Injury Watch** – with live links and readers' Comments.
<http://www.DrugInjuryWatch.com>