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PRACTICE AREAS

Workers Compensation

Personal Injury

Motor Vehicle Accidents

Wrongful Death

Northern District of Illinois Rules on Lawsuit Alleging Adverse Reaction to Motrin

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At issue in a recent [Illinois products liability lawsuit](#) was whether the manufacturer of Motrin was liable for an adverse reaction to its product.

In *Robinson v. McNeil Consumer HealthCare*, 2010 WL 3156548, the plaintiffs brought a lawsuit in the United States District Court for the Northern District of Illinois.

The facts in this case are very unfortunate. One evening, the primary plaintiff, Ms. Robinson had a headache and took a dose of children's Motrin, which she had previously purchased for her children. Shortly thereafter she noticed a rash on her chest that became worse as the day passed. She soon became feverish and took another dose of the Motrin. Her rash and fever worsened and she continued to take the Motrin. She was later hospitalized by her physician and was diagnosed with TEN (toxic epidermal necrolysis), an especially severe form of SJS (Stevens-Johnson syndrome). TEN is a very severe disease that causes severe blistering and consequent sloughing off of skin over much of the body, and also causes serious damage to the mouth, eyes, throat, and esophagus.

Ms. Robinson lost her vision in one eye and now has severely limited vision in



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the other. She is expected to eventually lose sight in that eye as well. In addition, she required multiple operations to her throat and esophagus and over 60% of her skin sloughed off.

One of the issues considered by the Court was whether Ms. Robinson was contributorily negligent. Unfortunately for Ms. Robinson, the Court concluded that she was, and thus her claim was barred under Virginia law (which the court also concluded was the applicable law in this case):

Mrs. Robinson appears to have been the party who could have avoided the injury at lower cost, assuming for the moment that her developing TEN was caused by the Motrin. For the evidence of McNeil's negligence in selling Children's Motrin, with or without a prescription and with or without additional warnings, was slight...(Thus)...there was enough evidence that the plaintiff was contributorily negligent to bar her claim...

An unfortunate outcome to a very unfortunate case.

Howard Ankin of Ankin Law Office LLC (www.ankinlaw.com) handles **workers' compensation and personal injury cases**. Mr. Ankin can be reached at (312) 346-8780 and howard@ankinlaw.com.