

Hormone Therapy Victims Win Important Appeal

On November 2, 2009, the United States Court of Appeals for the Eighth Circuit issued its long-awaited decision in Scroggin v. Wyeth (Case No. 08-2555). The decision gives the green light for federal trials on Wyeth's and Pfizer's [hormone therapy](#) drugs. In affirming judgment on a jury verdict of compensatory damages, the federal appellate court rejected the defendants' claims that plaintiffs like Donna Scroggin cannot prove that hormone therapy caused their breast cancer. Erik Walker of [Hissey Kientz, LLP](#) in Austin, Texas handled the appeal for Ms. Scroggin, writing her briefs and arguing to the court.

(Vocus) November 11, 2009 -- On November 2, 2009, the United States Court of Appeals for the Eighth Circuit issued its long-awaited decision in Scroggin v. Wyeth (Case No. 08-2555). The decision gives the green light for federal trials on Wyeth's and Pfizer's [hormone therapy](#) drugs. In affirming judgment on a jury verdict of compensatory damages, the federal appellate court rejected the defendants' claims that plaintiffs like Donna Scroggin cannot prove that hormone therapy caused their breast cancer. It also found that the statute of limitations began to run from the announcement of the startling results of the Women's Health Initiative study ("WHI") in July, 2002.

Erik Walker of [Hissey Kientz, LLP](#) in Austin, Texas handled the appeal for Ms. Scroggin, writing her briefs and arguing to the court. Walker lauded the court's decision. "The opinion reveals the court became well-versed in the complex issues presented in this litigation. The decision finally forecloses Wyeth's cynical claim that even though its drugs caused countless women to develop breast cancer, Wyeth can never be held accountable because no woman can prove that her particular cancer was caused by the drugs."

Donna Scroggin took Wyeth's Premarin (estrogen) and Pfizer-subsiary, Upjohn's Provera (progestin). She then took Wyeth's Prempro, which combined estrogen and progestin (E+P) into a single pill. After 11 years using the products, Ms. Scroggin developed hormone-dependent cancer in both of her breasts, compelling a double mastectomy and debilitating treatments. A jury awarded Ms. Scroggin \$2.75 million in compensatory damages. The jury also found that Wyeth and Upjohn's negligence reflected reckless disregard to women's health, awarding nearly \$20 million in punitive damages against Wyeth and nearly \$8 million against Upjohn. The district court rejected Wyeth's attacks on the compensatory award but set aside the punitive awards. The Eighth Circuit found there was sufficient documentary evidence of reckless disregard to warrant a new trial on punitive damages against Wyeth.

Jim Morris, who tried the case, looks forward to the new trial: "We appreciate the opportunity to once again present evidence of Wyeth's conscious disregard for the rights and welfare of Ms. Scroggin to a jury. Most juries find Wyeth's conduct to be reprehensible and we expect Arkansans to be equally incensed yet again." Walker said the decision is great news for [breast cancer](#) victims throughout the country. "Studies show that E+P has caused over a quarter of a million women in this country to develop breast cancer. Only a fraction of those women have filed suit. This decision ensures that these women may continue their pursuit for justice."

About Hissey Kientz, LLP

Hissey Kientz, LLP represents individuals who contracted [mesothelioma](#), lung cancer or other diseases as a result

of asbestos exposure, and those injured by [Yaz or Yasmin birth control pills](#), a fentanyl or Duragesic overdose, acute phosphate nephropathy as a result of a Fleet Phospho-soda bowel cleansing products, Digitek, Zicam, the Composix Kugel mesh patch, gadolinium MRI contrast dyes, Reglan, FELA railroad injury lawsuits, Raptiva, the Ortho Evra patch, Fen-Phen or "herbal Fen-Phen" products containing ephedra or ma huang, as well as other defective drugs and devices. To learn more about the firm and other drug cases, visit Hissey Kientz, LLP (www.hkllp.com) or call toll-free at (866) 275-4454.

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Contact Information

Craig Whitney

Hissey Kientz, LLP

<http://www.hkllp.com>

512-320-9100

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