



## Chronology of Sample Lawsuits about Psychotropic Drugs

**W**ith the risks of psychotropic drugs being exposed, lawsuits seeking damages have commensurately increased. The following shows some of the cases where pharmaceutical companies have paid a total of more than \$4.9 billion (€3.3 billion) in criminal and civil fines and settlements.

**May 25, 2001:** Justice Barry O’Keefe of the New South Wales Supreme Court, Australia, found the antidepressant Lustral (Zoloft) in part responsible for turning David Hawkins, a peaceful, law-abiding man, into a violent killer. Judge O’Keefe stated that had Hawkins not taken Lustral, “it is overwhelmingly probable that Mrs. Hawkins would not have been killed.”<sup>1</sup>

**June 6, 2001:** Tobin vs. GlaxoSmithKline (GSK): A US District Court jury in Wyoming returned a verdict against GSK awarding \$6.4 million (€4.4 million) to relatives of Donald Schell, who shot and killed his wife, daughter, granddaughter and himself after taking Glaxo’s antidepressant Paxil for two days for insomnia.<sup>2</sup>

**November 30, 2002:** Eli Lilly and Company settled a lawsuit filed by Diane Cassidy of Pennsylvania who became suicidal after taking Prozac for weight loss. Following a suicide attempt, Ms. Cassidy was partially paralyzed and mentally impaired from injuries sustained. The settlement figure was not released.<sup>3</sup>

**April 16, 2003:** USA vs. GSK: The drug maker agreed to pay \$87.6 million (€59.7 million) to settle civil charges brought by the United States Department of Justice (US DOJ), alleging the company overcharged the US Medicaid (government insurance for the poor and disabled) for the antidepressant Paxil and a medical drug.<sup>4</sup>

**April 16, 2004:** Law firms Parker & Waichman, LLP and Douglas & London, LLP filed the first nationwide class action lawsuit against Eli Lilly and Company. (Lilly) on behalf of Americans who had taken the antipsychotic drug Zyprexa. The suit, filed in New York District Court, named three people who developed diabetes after taking the drug.<sup>5</sup>

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**August 26, 2004:** State of New York vs. GSK: GSK paid \$2.5 million (€1.7 million) to settle the lawsuit that alleged “persistent fraud” in suppressing research on Paxil that had shown it increased the risk of suicidal thoughts and actions in children taking the antidepressant.<sup>6</sup>

**October 1, 2004:** Remeron Antitrust Litigation: Netherlands-based pharmaceutical maker Akzo Nobel and its subsidiary, Organon USA, paid \$59.8 million (€40.7 million) to several US pharmacy chains, attorneys general and insurance companies to settle a lawsuit alleging that the company engaged in various acts calculated to suppress competition by companies that market low-cost generic equivalents of prescription drugs, resulting in a monopoly on its antidepressant Remeron.<sup>7</sup>

**April 7, 2005:** Organon and Akzo Nobel also paid \$36 million (€24.5 million) to all 50 states in the US to settle similar charges, the proceeds of which were distributed to consumers that purchased Remeron.<sup>8</sup>

**June 2005:** US Zyprexa Class Action Lawsuit: Lilly agreed to pay \$690 million (€470 million) to settle product liability claims by 8,000 plaintiffs who alleged Zyprexa caused diabetic and hyperglycemic (high level of sugar in the blood) side effects.<sup>9</sup> In January 2007, Lilly agreed to pay a further \$500 million (€340 million) to settle 18,000 more Zyprexa suits.<sup>10</sup>

**November 8, 2005:** US District Judge Samuel Der-Yeghiayan found against Pfizer in a lawsuit about Zoloft. The widow of a man, Donald Zikis who died from suicide while taking Zoloft, argued that Pfizer had failed to properly warn users of the drug’s dangerous side effects. The court rejected Pfizer’s assertion that, had it added warnings to its label, it “might mislead physicians about the risks entailed in prescribing a drug, ‘thereby overdetering its use.’” The judge disagreed and said that the company could add any warning, precaution or adverse reaction without prior FDA approval.<sup>11</sup>

**April 26, 2007:** The national consumer protection group, Public Citizen secured an improved settlement for the parents of thousands of children prescribed the antidepressant Paxil. The class action against GSK had sought economic damages, alleging the company misled parents by not disclosing that the drug was dangerous and ineffective when taken by children younger than 18. GSK agreed to put \$63.8 million (€43.4 million) into a settlement fund for victims and attorneys’ fees.<sup>12</sup>

**December 21, 2006:** US vs. Bristol-Myers Squibb: The company entered into agreement with the US DOJ to pay \$499 million (€340 million) to settle a federal investigation for illegally marketing its antipsychotic Abilify to physicians for uses for which it was not FDA approved.<sup>13</sup>

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**June 12, 2007:** US Zyprexa Class Action Lawsuit: Lilly settled another 900 Zyprexa product liability lawsuits but declined to release the settlement amount.<sup>14</sup>

**March 27, 2008:** State of Alaska vs. Eli Lilly and Company: The company agreed to settle for \$15 million (€10 million) to settle the state's civil suit (filed in 2006), alleging that it illegally marketed Zyprexa for conditions which it was not approved to treat and for downplaying the known diabetic and hyperglycemic side effects of the drug.<sup>15</sup>

**April 1, 2008:** USA vs. Otsuka Pharmaceutical: Otsuka, maker of the antipsychotic Abilify, entered into an agreement with the US Department of Justice (US DOJ) to pay \$4 million (€2.7 million) to resolve allegations it unlawfully marketed the drug for children and for dementia-related psychosis in the elderly, uses for which it did not have approval. (The company developed the drug in Japan and marketed it in the US with Bristol-Myers Squibb, which settled similar allegations in December 2006.)<sup>16</sup>

**October 2, 2008:** Paxil US Class Action Suit: GSK paid \$40 million (€27.2 million) to settle a long-standing class action lawsuit alleging that it suppressed studies that showed Paxil was ineffective and might increase the risk of suicidal thoughts and actions in children. The settlement reimburses health insurance companies that paid for the drug.<sup>17</sup>

**October 7, 2008:** State of Texas vs. Eli Lilly and Company: An 18-month-long investigation of Lilly by 33 states, under the Texas Consumer Protection Act, ended in a judgment and injunction calling for Lilly to pay \$62 million (€42 million) and agree to numerous restrictions and reforms for the ensuing six years regarding its promotion, marketing, medical communications and other aspects of business relating to Zyprexa.<sup>18</sup>

**January 15, 2009:** USA vs. Eli Lilly and Company: Lilly entered into an agreement with the US DOJ to plead guilty to a *criminal* charge of unlawful promotion of Zyprexa for non-FDA-approved uses, specifically as a treatment for dementia in the elderly. It has agreed to pay a penalty fine of \$615 million (€416 million). The company also settled a concurrent federal *civil* investigation, and agreed to pay nearly \$800 million (€545 million), to be split between the federal government and the states.<sup>19</sup>

**March 2, 2009:** West Virginia vs. Johnson & Johnson: Brook County Circuit Court Judge Martin Gaughan ordered J&J to pay the state \$4.4 million (€2.9 million) for false advertising to physicians about two of its products, one of which was its antipsychotic drug Risperdal.<sup>20</sup>

**April 29, 2009:** State of Georgia vs. Eli Lilly and Company: Lilly decided to pay out \$15 million (€10 million) to the state of Georgia to settle the State Attorney General's civil suit over the company's unlawful promotion of Zyprexa for non-FDA-approved uses.<sup>21</sup>

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**August 21, 2009:** West Virginia vs. Lilly: Lilly agreed to pay \$22.5 million (€15.3 million) to the state of West Virginia to settle a similar Attorney General-filed suit regarding its Zyprexa activities.<sup>22</sup>

**September 2, 2009:** USA vs. Pfizer: The US Department of Justice ordered Pfizer to pay a record-breaking \$2.3 billion (€1.5 billion) in criminal and civil fines for illegal promotions to induce doctors to use four of its products, including the antipsychotic Geodon. To prevent future occurrences of illegal promotion, the company was placed under the monitoring of the Federal Department of Health and Human Services Office of Inspector General for five years.<sup>23</sup>

**September 2, 2009:** Maryland vs. Pfizer: The company also paid \$33 million (€22.4 million) to 43 states to settle consumer protection claims against them regarding Geodon. The suit, filed by the Attorneys General of Maryland and Delaware, was filed on behalf of all the AGs involved. It alleged that Pfizer engaged in unfair and deceptive practices when it marketed Geodon.<sup>24</sup>

1. Sarah Boseley, "Prozac class drug blamed for killing," *The Guardian*, 26 May, 2001.
2. *The Indianapolis Star*, "Antidepressant maker held liable," June 7, 2001; "Paxil Maker Held Liable in Murder/Suicide," *Lawyers Weekly USA*, 9 Jul. 2001 and website [www.socialaudit.org.uk](http://www.socialaudit.org.uk) page on the Schell-Tobin suit.
3. "Indianapolis-Based Eli Lilly Settles Prozac Lawsuit with Pennsylvania Couple," *Indianapolis Star*, December 2, 2002.
4. "Rx drugs: Bayer, Glaxo Announce Settlement for Overcharging; Medicaid," *American Health Line*, 17 Apr. 2003.
5. "Class action filed over Zyprexa side effects," *Pharma Marketletter*, 26 Apr. 2004 and "Parker & Waichman and Douglas & London file first nationwide class action..." PR Newswire, 19 Apr. 2004.
6. "Paxil Maker Will Post Its Unfavorable Test Results," *The Washington Post*, 27 Aug. 2004.
7. "Akzo Nobel settles additional Remeron court cases," *Medical News Today*, 1 Oct. 2004.
8. "Organon settles with states in antitrust case," *Generic Line*, 3 Nov. 2004 and "Remeron refund procedure announced," *Consumer Affairs.com*, 18 Mar. 2005.
9. "Lilly to pay \$690 million In Drug Suits," *The New York Times*, 10 June 2005.
10. "Lilly to Pay Up to \$500 Million to Settle Claims," *New York Times*, 4 Jan. 2007.
11. Robert A. Clifford, "Battle Brews Over New FDA Rule Preempting State Law," *Chicago Lawyer*, Mar. 2006.
12. "Public Citizen Secures Improved Settlement for Parents of Children Who Where Prescribed Paxil," [www.citizen.org](http://www.citizen.org), 26 Apr. 2007.
13. Julie Schmit, "Bristol's \$499M drug-pricing settlement among biggest," *USA Today*, 21 Dec. 2006.
14. "Lilly Settles Zyprexa Lawsuits," *Forbes*, 12 June 2007.
15. Alex Berenson, "Alaska Suit Against Lilly Is Settled," *New York Times*, 27 Mar. 2008.
16. "Otsuka Settles Abilify Off-Label Marketing Case for \$4 Million," *FDANews*, 1 Apr. 2008.
17. "Glaxo Settles US Paxil Lawsuit," *International Herald Tribune*, 2 Oct. 2008.
18. Final Judgment and Agreed Permanent Injunction, State of Texas vs. Eli Lilly and Company, Cause No. 08-12714, 7 Oct. 2008 and "33 states to get \$62 million in Zyprexa case settlement," *New York Times*.
19. "Lilly Resolves Investigation of Past Zyprexa Promotion and Promotional Practices," PRNewswire-FirstCall via COMTEX News Network, 15 Jan. 2009
20. "Court Orders Johnson & Johnson to Pay Millions for Misleading WV Doctors; Attorney General McGraw States False Advertising," West Virginia Attorney General Press Release, 2 Mar. 2009.
21. "Georgia settles with drug company for \$6M," *The Atlanta Journal—Constitution*, 29 Apr. 2009.
22. "State settles lawsuit against Eli Lilly," *Charleston Gazette*, 21 Aug. 2009.
23. "Pfizer to pay record \$2.3B penalty over promotions," *Miami Herald*, 2 Sept. 2009.
24. "Attorney General Gansler Leads Settlement of Consumer Protection Claims Against Pfizer, Company to Pay \$33 Million as Part of Settlement," press release of the Maryland Attorney General, 2 Sept. 2009.