

November 15, 2007

## Vioxx Case Has Roots in SCV

One of the largest drug settlements ever announced by a pharmaceutical company began here in the Santa Clarita Valley with a simple complaint made seven years ago.

Merck & Co., makers of the painkiller Vioxx, announced Friday it will pay \$4.85 billion to end thousands of state and federal lawsuits filed because of the drug.

Local lawyer Richard A. Patterson, of Owen Patterson & Owen, said he's been waiting seven years to hear such an announcement.

"I would like to use the word elated but we really can't. I think more appropriately, we're relieved," Patterson said Wednesday inside his office on Valencia Boulevard.

"We are relieved because the giant, the giant pharmaceutical company, has in the most effective way they can, acknowledge their responsibility here and has done so by offering to settle for \$4.85 billion dollars.

"This is subsequent to their initial strategy which was to spend \$1.9 billion in defending their actions. They in fact had been the subject of several trials to date and they have been found liable by, I think, six juries not only for the negligence and the damages but also several of them were tagged with major punitive damages in the millions of dollars."

There have been many lawsuits filed against Merck over Vioxx across the country before the drug was pulled off the shelves in 2004, but scrutiny of the company and its much-touted painkiller began in Santa Clarita.

According to court documents obtained by The Signal, Patterson filed a lawsuit in Los Angeles Superior Court on July 29, 2001, citing as plaintiffs in the case of a man and a woman injured as a result of having taken Vioxx.

Named as co-defendants in the suit were pharmacies that sold Vioxx including: Century Beverly Hills Pharmacy, Neighbor Care Pharmacy and the Good Samaritan Medical Pharmacy.

For Patterson, the long road to vindication began in 2000 when an "insider" approached him about a drug that was about to hit the market.

Patterson would not, and said he never has, revealed the identity of the "insider" who first told him about the deadly characteristics of Vioxx.

When Merck announced its landmark settlement last week, company officials estimated the deal, if accepted, would end 45,000 to 50,000 personal injury lawsuits involving U.S. Vioxx users who suffered a heart attack or ischemic stroke, the type in which blood flow to the brain is blocked.

Merck executive vice president Kenneth Frazier told Associated Press reporter Linda A. Johnson: "Without this settlement, the litigation might very well stretch on for years."

Frazier called the agreement "responsible and reasonable" and allows Merck to better quantify its liability, once estimated as high as \$50 billion.

When it came to litigation, Patterson's law partner, lawyer Gregory J. Owen, acted as the local law firm's principal litigator in the Vioxx case.

"We went around lecturing to these various (laws) firms. We taught these other firms how to inform the public, how to take ads out in newspapers," Owen said. "We actually wrote radio ads for other firms to put radio spots on to inform the people out there about the potential problems of Vioxx. And we wrote articles that were published in papers and seminars, that sort of thing.

"For the first two and a half years, what we did was really educate the public and educate other lawyers and told them there was this drug called Vioxx which was supposed to make you feel better but was causing a massive number of heart attacks and strokes.

"The manufacturer knew about it, they've known about it before the drug came on the market," Owen explained. "They falsified tests. They falsified data in the tests. When people would die during these tests they would take those people out of the study instead of counting the deaths."

"We had an insider in the industry who approached us in 2000 and told us about this drug that was going to come onto this market and that the testing had shown ... heart attacks, deaths, strokes and that the drug should never see the light of day but that the company was hiding the problems because it was going to be a blockbuster billion dollar medication."