
Hughes Hubbard & Reed

Hughes Hubbard Wins Jury Verdict for Pfizer in Fen-Phen Case

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After a two-week trial in federal court in Boston, Hughes Hubbard & Reed won a complete jury verdict for Pfizer and Wyeth Pharmaceuticals in a suit over Wyeth's diet drug Pondimin, which when used in combination with phentermine, was popularly known as fen-phen.

On Aug. 4, the jury concluded that Wyeth had not negligently failed to warn plaintiff Michael Tersigni's prescribing physician of the medical risks posed by Pondimin. Tersigni filed suit against Wyeth in March 2011, alleging that he developed primary pulmonary hypertension (PPH), an often-fatal lung disease, as a result of his ingestion of Pondimin for six months in 1997.

Wyeth maintained that it adequately warned of the risk of PPH believed to be associated with ingestion of Pondimin, and that Tersigni's prescribing physician was well aware of the potential risk when he prescribed Pondimin to him. Moreover, Wyeth maintained that Tersigni did not have PPH.

This is the first defense verdict in a fen-phen PPH case where the jury considered both liability and causation issues simultaneously.

Tersigni filed suit alleging numerous causes of action, including failure-to-warn and design defect. The claims were transferred to multi-district litigation pending in Pennsylvania. Following completion of pre-trial discovery in December 2012, the case was remanded to federal court in Boston.

Hughes Hubbard, led by Ted Mayer, took over management of the defense of the diet drugs litigation two years ago; this is the first trial since then. Will Coronato served as first chair.

The Hughes Hubbard team also included Christina Migally Gabriel, Jonathan Misk, and paralegals Melissa Monaghan and Stefanie Kaplan. Coronato's second chair was Heidi Hubbard of Williams & Connolly, and lawyers from Arnold & Porter and Wilmer Hale also participated.

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Theodore V.H. Mayer

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