

\$3.75B Fen-Phen Settlement Approved

The Associated Press

By JENNIFER BROWN

PHILADELPHIA (AP) - A federal judge has approved a proposed \$3.75 billion national settlement of health claims stemming from the diet drug combination fen-phen, which has been linked to potentially fatal heart valve damage.

Under the settlement approved Monday, fen-phen users would get up to \$1.5 million, though most would get far less, depending on their level of injury and how long they took the drugs. The settlement also includes money for future medical monitoring.

U.S. District Judge Louis C. Bechtle gave preliminary approval to the settlement in November. Barring an appeal, attorneys said fen-phen users could begin receiving settlement checks as early as January.

More than 9,000 lawsuits have been filed against American Home Products, maker of fenfluramine, the "fen" in the fen-phen diet drug combination. The Madison, N.J.-based company sold the combination under the brand name of Pondimin and also made Redux, a chemical cousin.

The drugs were withdrawn in September 1997 after a Mayo Clinic study linked fen-phen to potentially fatal heart valve damage. The second drug in the combination, phentermine, was not linked to the problems.

"The settlement resolves the vast majority of the claims and potential claims that the company was facing, and it's a very, very significant step forward in resolving the litigation," said Michael Scott of Philadelphia, one of the attorneys representing American Home.

Attorney Edward F. Blizzard of Houston had objected to the settlement in June on behalf of a group of diet-drug users, saying it would likely be reversed because of all the other lawsuits pending. Blizzard did not immediately return a call for comment Monday. He has said he would appeal if the settlement was approved.

Other opponents have complained that the monetary damages don't go far enough, that the settlement doesn't include compensation for people who may develop health problems later, and that users had inadequate representation.

Of 6 million people who took fen-phen before it was pulled from the market, about 45,000 have refused the settlement and retain the right to sue for punitive damages. Some 266,000 others have registered to join the class and may still reject the settlement and sue for compensatory damages but not punitive damages.

On the Net:

Settlement: <http://www.settlementdietdrugs.com>

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