



Autumn 2005

# Hearsay

## Different Name, Same Commitment To Client Service

*A*lley & Ingram, founded in 1989 by C. Todd Alley and Michael M. Ingram, is going through some exciting changes that will benefit our clients and referring attorneys for many years. Effective October 15, 2005, Alley & Ingram merged with the Tampa law firm of Clark & Greiwe. The new firm is known as Alley, Clark, Greiwe & Fulmer. Todd Alley, Jim Clark, Don Greiwe, and Brenda Fulmer are partners in the firm. Michael Ingram is Of Counsel to the firm, and Amy Prevatt joins the firm as a new associate. Our attorneys are supported by a superior staff of legal assistants and secretaries, many of whom have been with our firms for years. Four of the firm's members are AV-rated by Martindale Hubbell, which means that the lawyers' peers and judges in the community have rated them as having the highest levels of legal ability and professional ethics. Construction is underway to expand our current building in Downtown Tampa, which upon completion, will be home to all of the new firm. Until then, both firms will continue to operate from their respective offices in Downtown Tampa and South Tampa. Michael Ingram will also continue to operate from both the Downtown Tampa and Boca Grande offices in an Of Counsel capacity.



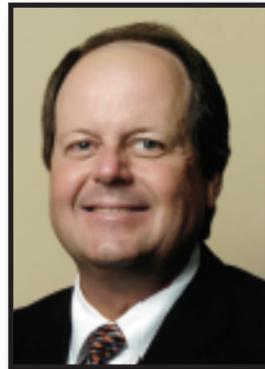
## Drug & Medical Device Litigation

*W*e are currently litigating or investigating claims involving a number of drugs and medical devices. Please contact us if you have suffered injuries as a result of your use of any of these products:

- Vioxx
- Bextra
- Medtronic Heart Devices
- Mirapex
- Hormone Replacement Therapy
- Guidant Heart Devices

## Meet Our Partners

Todd Alley, a Tampa native, graduated from the University of Florida and the University of Alabama School of Law. He has been practicing law for twenty-five years. He is also a certified mediator and an active member in the Hillsborough County Bar Association, Tampa Bay Trial Lawyers Association, Academy of Florida Trial Lawyers as an Eagle Member, and the Association of Trial Lawyers of America. Todd's practice has focused on personal injury, medical malpractice and pharmaceutical and medical device products liability claims. He served on the Steering Committee for the ProteGen Bladder Sling litigation and has been involved in the Diet Drug, Breast Implant, Baycol, and Vioxx litigation.



Don Greiwe, a Tampa native, has been practicing in the areas of medical malpractice, personal injury, products liability, and business litigation since 1976. He is a graduate of Notre Dame and the University of Miami School of Law. Don is a sustaining member of the Association of Trial Lawyers of America; is active in the Academy of Florida Trial Lawyers as an Eagle Member; served as President of the American Board of Trial Advocates, Tampa Bay Chapter (1998-1999); was a participant in the Masters Trial Program (2002); and is a past Master of American Inns of Court. He is a Board Certified Civil Trial Lawyer and is certified as a Civil Trial Advocate by the National Board of Trial Advocacy. Don is also certified as a mediator.



Jim Clark, a graduate of Florida State University and the University of Florida, is licensed in both North Carolina and Florida. Since obtaining his law degree in 1974, Jim Clark has become an experienced litigator in the areas of product liability, medical malpractice, and personal injury and wrongful death civil litigation. Jim has also been named to "Best Lawyers in America" four consecutive years. He is a sustaining member of the Association of Trial Lawyers of America, an Eagle Member of The Academy of Florida Trial Lawyers, a past Master within the American Inns of Court, member of the American Bar Association, North Carolina State Bar and The American Board of Trial Advocates, where he also served as President of the Tampa Bay Chapter. He is a Board Certified Civil Trial Lawyer and certified as a Civil Trial Advocate by the National Board of Trial Advocacy.



Brenda Fulmer began her legal career at the age of seventeen and worked for Alley & Ingram as a paralegal while pursuing her bachelor's degree at the University of South Florida. She graduated from Stetson College of Law in 1993. She served as an Assistant Editor for the Stetson Law Review, graduated cum laude, and received a number of recognitions for her academic excellence. She joined Alley & Ingram as a lawyer in 1994 and has since focused her practice in the areas of pharmaceutical and medical device litigation. She is a member of the Hillsborough County Bar Association, Hillsborough Association of Women Lawyers, Tampa Bay Trial Lawyers Association, Academy of Florida Trial Lawyers and the Association of Trial Lawyers of America. She has been involved in national litigation and discovery involving Vioxx, ProteGen, Baycol, Diet Drugs, Hormone Replacement Products, Propulsid, and Breast Implants.



## Meet Our New Associate Attorney

Amy Prevatt graduated with Honors from the University of South Florida in 1990. Her degree was in Criminal Justice and she interned with Judge Harry Lee Coe III. Amy received her Juris Doctor degree from Stetson College of Law in May, 2005, and was a law clerk at Alley & Ingram before graduation. She is licensed to practice in state and federal courts, and is concentrating on plaintiff's personal injury practice with an emphasis on products liability and medical malpractice. Amy is a member of the Hillsborough County and Pinellas County Bar Associations and the Association of Trial Lawyers of America.



## What Does \$1.6 Million Mean to Merck?

On August 19, 2005, a Texas jury found Merck & Co. liable for the death of Robert Ernst, who had taken Vioxx. The jury awarded Mr. Ernst's widow damages totaling \$253.5 million - \$24.5 million for economic losses and mental anguish and \$229 million in punitive damages. By awarding punitive damages, the jury found that Merck had acted with a reckless disregard (essentially the same standard used to find someone guilty of manslaughter) in its promotion and sale of Vioxx. Jurors noted that they chose the \$229 million figure because that was how much money Merck executives had estimated would be saved by delaying a change in Vioxx's warning label to include the risks of heart attacks and strokes. Traditionally, the amount of punitive damages awarded should be a sufficient amount to significantly punish (but not bankrupt) the defendant. However, under Texas's tort reform laws, this punitive award will be automatically reduced to \$1.6 million, a small fraction of the profits earned by Merck from Vioxx. In fact, Merck sold \$1.6 million of Vioxx pills every 6 hours and 40 minutes while the drug was on the market.

### PUTTING THE VERDICT INTO PERSPECTIVE

**\$11.772 Billion**

Worldwide sales of Vioxx from its introduction in 1999 through the recall

**\$30.4 Million**

Amount that Merck spent lobbying members of Congress and federal agencies

**\$505 Million**

Amount that Merck spent on direct-to-consumer advertising for Vioxx

**\$1.511 Million**

Amount that Merck's Political Action Committee contributed to federal candidates for office

**\$37.8 Million**

Amount that Merck's CEO Raymond Gilmartin was paid in 2004

**\$675 Million**

Amount that Merck has set aside to pay its defense lawyers in Vioxx lawsuits