

Alley ♦ Clark ♦ Greiwe ♦ Fulmer

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Summer 2006

Alley ♦ Clark ♦ Greiwe ♦ Fulmer
Attorneys At Law

Representing Plaintiffs Exclusively in the Following Cases:

- Medical Malpractice
- Nursing Home
- Automobile Accidents
- Products Liability
- Insurance Disputes
- Drugs & Medical Devices

(800) 840-0977

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Hearsay

TOBACCO LITIGATION

Alley, Clark, Greiwe & Fulmer has expanded its practice to include tobacco claims. Although Big Tobacco has claimed victory with the Florida Supreme Court’s recent decertification of the Engle v. Liggett Group, Inc. class action, the opinion actually should make it easier for Florida plaintiffs to prevail in individual lawsuits for smoking-related injuries.

The Supreme Court made findings of fact that cigarette smoking causes disease, that the nicotine in cigarettes is addictive, that the cigarettes were defective and unreasonably dangerous when placed on the market, and that the manufacturers failed to disclose material facts concerning the health effects and addictiveness of smoking. Individual plaintiffs will still need to prove that their disease was caused by smoking, that they were induced to smoke by the

fraudulent marketing and other efforts of the tobacco companies, and will need to prove damages stemming from a smoking-related condition.

Alley, Clark, Greiwe & Fulmer is accepting clients who were diagnosed or manifested symptoms of any of the following conditions prior to **November 21, 1996**: aortic aneurysm, bladder cancer, cerebrovascular disease and strokes, cervical cancer, chronic obstructive pulmonary disease (COPD), esophageal cancer, kidney cancer, laryngeal cancer, lung cancer (specifically adenocarcinoma, large cell carcinoma, small cell carcinoma, and squamous cell carcinoma), complications of pregnancy, oral cavity/tongue cancer, pancreatic cancer, peripheral vascular disease, pharyngeal cancer, and stomach cancer.

Peripheral Vascular Disease
Aortic Aneurysm
Bladder Cancer
Strokes
Cervical Cancer
Emphysema
Esophageal Cancer

SMOKING-RELATED
INJURIES

Pregnancy Complications
Laryngeal Cancer
Lung Cancer
Stomach Cancer
Oral Cancer
Kidney Cancer
Pancreatic Cancer

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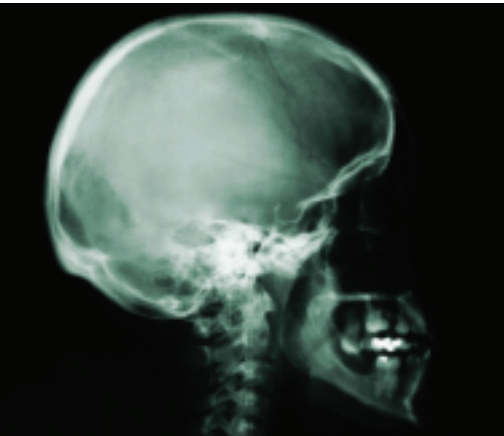
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BISPHOSPHONATES



Fosamax
Actonel
Boniva
Bonefos
Didronel
Aredia
Skelid

This class of drugs (which includes Fosamax, Actonel, Boniva, Bonefos, Didronel, Aredia, and Skelid) is used for the treatment of osteoporosis and in patients with bone metastases. A number of patients have developed osteonecrosis of the jaw as a result of these medications. Symptoms of this condition include exposed bone, pain and swelling in the jaw, infection, altered sensation and numbness. Users of these drugs are at particular risk when undergoing any dental procedures or if they also use corticosteroids. *Alley, Clark, Greiwe & Fulmer* is accepting significant injury claims involving the use of bisphosphonates.



HEART DEVICES

Alley, Clark, Greiwe & Fulmer is currently litigating a number of claims in Minnesota federal court involving defective pacemakers and defibrillators. The recalls stem from electrical malfunctions and problems with batteries and insulation materials. We are accepting clients who have been implanted with the recalled devices and have sustained an injury or require additional surgery to replace the devices.

GUIDANT MODELS RECALLED

Pacemakers	Pulsar MAX, Pulsar, Discovery, Meridian, Pulsar MAX II, Discovery II, Contak TR, Virtus Plus II, Intelis II
Defibrillators	Contak Renewal, Contak Renewal CRT-D, Contak Renewal AVT, Contak Renewal 3, Contak Renewal 4, Ventak Prizm 2 DR, Ventak Prizm AVT, Vitality AVT, Renewal 3 AVT, Renewal 4 AVT, Renewal RF

MEDTRONIC MODELS RECALLED

CRT	InSync Marquis 7277, InSync II Marquis 7289, InSync III Marquis 7279, InSync III Protect 7285
Defibrillators	Marquis VR 7230, Marquis DR 7274, Maximo VR 7232, Maximo DR 278

BEXTRA LITIGATION

Alley, Clark, Greiwe & Fulmer has also been involved in the Bextra litigation for several years now. We are pursuing these cases in state and federal court. The recall of this drug in 2005 was not a surprise given its similarities to Vioxx. *Alley, Clark, Greiwe & Fulmer* is accepting Bextra cases involving heart attacks, strokes, Stevens Johnson Syndrome, Erythema Multiforme, and TENS.



VIOXX UPDATE

On August 17, 2006, a federal jury in New Orleans awarded \$50 million in compensatory damages and \$1 million in punitive damages to Gerald Barnett, a 65 year-old retired FBI agent from California who suffered a heart attack after taking Vioxx for 31 months. The all-male jury found that Merck knowingly misrepresented or failed to disclose information about Vioxx to Mr. Barnett and his physicians. In awarding punitive damages, the jury found that Merck acted in wanton, malicious, willful or reckless disregard for the safety of the Plaintiff. On the same day, Judge Higbee, who oversees the coordinated Vioxx cases in New Jersey, set aside the verdict rendered in favor of Merck in the *Humeston* case last year. The case will now have to be retried.

If you would like additional information about any of these mass tort projects or our firm's medical malpractice, products liability, and personal injury practice, please give us a call.

RENU CONTACT LENS SOLUTION

In May of 2006, Bausch & Lomb initiated a global recall of its ReNu with MoistureLoc contact lens solution due to a number of reports of serious eye infections associated with the product. The manufacturer was aware of problems with the product as early as the Fall of 2005, but they did not notify physicians and consumers. A number of patients have developed fusarium keratitis, a serious bacterial infection that is incredibly rare and often misdiagnosed. Symptoms of fusarium keratitis include eye pain or discomfort, excessive tearing or discharge from the eyes, persistent redness, impaired vision and extreme photosensitivity. Patients have required long-term anti-fungal treatment and have suffered corneal abrasions, visual disturbances, blindness, and required corneal transplants.



ELIDEL & PROTOPIC

A public health warning was issued earlier this year by the FDA with regard to these popular drugs used for the treatment of eczema or atopic dermatitis. Both Elidel and Protopic have been associated with various cancers including skin cancer and lymphoma. Physicians have been cautioned to utilize the drugs for only second-line treatment for a short period of time and not to use them in young children or others who have immature or weakened immune systems.

“It may take human studies of ten years or longer to determine if use of Elidel is linked to cancer.”

FDA Alert March 2005

