

IN BRIEF

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This
Edition*

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FIRM NAME CHANGE BRINGS SAME CLIENT COMMITMENT

On September 1, 2008, our firm name will change to become Alley, Clark & Greiwe. After almost fifteen years with Todd Alley and three years of partnership with our present firm, Brenda Fulmer is moving to West Palm Beach to begin a new association with another law firm. Though we wish her well and will miss her, be assured that her departure from our law firm will not affect any of our existing clients' active litigation cases. Our attorneys have an average of over 25 years of legal expertise, and our support staff, many of whom on average have been with us for over 12 years, will remain with Alley, Clark & Greiwe. Our firm will

continue our tradition of specializing in complex personal injury and wrongful death claims while focusing on mass torts involving defective pharmaceutical and medical products. With Todd Alley's national reputation as a mass torts specialist and Jim Clark and Don Greiwe's civil trial and medical/legal expertise, our law firm has positioned itself as a recognized leader in the areas of mass torts, complex products liability, and medical malpractice. Our commitment to our clients is our number one priority, and if you have any concerns whatsoever regarding your case, we will be happy to speak to you.



HOT TOPICS

Florida's First HRT Trial Postponed until 2009



Alley, Clark & Greiwe continues the fight against Wyeth, Upjohn, Pfizer and other defendants on behalf of more than 100 women who developed breast cancer after taking hormone replacement therapy products. Our firm had a HRT trial scheduled to begin in Pinellas County in October of 2008, which is the first trial setting of a HRT case in the State of Florida. **Jim Clark** and **Don Greiwe** are lead counsel on this case. We are disappointed to report that the trial was recently postponed by the presiding judge to await the outcome of a significant pharmaceutical liability case now pending before the Supreme Court of the United States dealing with legal issues of federal preemption.

National Recall of Digitek (Digoxin Tablets)



Our firm continues to be at the leading edge of investigations into potential claims involving defective drugs. On April 25, 2008, Actavis Totawa LLC announced a nationwide recall of the oral prescription medication Digitek (digoxin tablets) a medication prescribed for treatment of a variety of cardiac conditions including congestive heart failure and atrial fibrillation. Digitek is a generic drug that came to market after Digoxin went "off patent" and could be copied and sold in generic form. The medication helps the heart beat and contract more efficiently. Digitek is distributed by Mylan Pharmaceuticals, Inc. (under the "Bertek" label) and UDL Laboratories, Inc. (under the "UDL" label). The oral medication is supplied in pill form in both 12.5 mg and 25 mg strengths.

The voluntary recall is due to the possibility that tablets with double the appropriate thickness may have been released to the public. Accordingly, some lots of Digitek tablets contained twice the level of the active ingredient digitalis. This dangerous double-strength dose creates a severe safety risk of developing digitalis toxicity. Patients using Digoxin in the past and who may have been switched to the generic Digitek or who were using any other prescription medication form of digitalis and were switched to Digitek should be aware of this manufacturing defect and its potentially harmful affects.

The law firm of **Alley, Clark & Greiwe** is currently accepting clients who have ingested this medication and suffered injury or death. Any patient with a cardiac condition who suffered harm or any family member of a patient who died in the recent past should check to see if this medication was being taken at the time of the adverse event.

Symptoms of digitalis toxicity include:

- Nausea
- Vomiting
- Dizziness
- Low blood pressure
- Slowed heart rate
- Cardiac instability
- Death

HOT TOPICS

Fosamax Claims

BISPHOSPHONATES

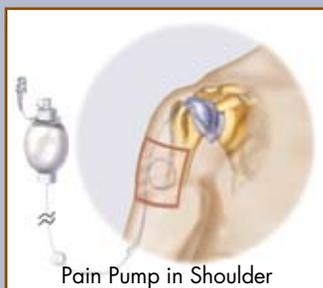


Fosamax
Actonel
Boniva
Bonefos
Didronel
Aredia
Skelid

We are continuing to investigate claims involving Fosamax, a drug in the bisphosphonate family, that is prescribed for the treatment of osteoporosis and bone loss. Fosamax has become associated with a debilitating condition referred to as jaw osteonecrosis (or jaw bone death), which is a disfiguring and disabling condition of the jaw that causes severe infection, rotting of the jaw bone, and causes tremendous pain and suffering. Typically, a patient has symptoms of pain, soft-tissue swelling, and infection associated with loosening of the teeth, purulent drainage, and exposed bone. Recent studies indicate that thousands

of patients may have developed jaw necrosis after taking Fosamax, especially in high dosages. The jaw bone is particularly susceptible to this condition since it absorbs ten times more of the bisphosphonate than other bones in the body. As of June of this year, Merck & Co., Inc. has been faced with approximately 655 cases involving Fosamax in either state or federal court. These lawsuits allege the drug giant failed to warn sufficiently that Fosamax can cause osteonecrosis of the jaw (ONJ). Please contact **Alley, Clark & Greiwe** for more information regarding these claims.

Shoulder Pain Pump Litigation



Pain Pump in Shoulder

Many surgeons who specialize in arthroscopic shoulder repair surgery have been convinced by companies who manufacture pain pumps that using an intra-articular pain pump catheter (which adds pain

medicine directly onto a shoulder joint following surgery) offers a way for patients to avoid potentially addictive narcotic medication and also allows for earlier reduced pain movement and faster recovery time. A pain pump catheter is placed into the shoulder joint during surgery and remains in the joint for several days following surgery to deliver medication to the shoulder. Studies now suggest that these pain pumps (which deliver the medication bupivacaine with epinephrine directly into the surgical joint space) may deliver too much medication and are the likely cause of a condition known as Postarthroscopic Glenohumeral Chondrolysis (PAGCL).

PAGCL is the deterioration of the cartilage within the shoulder joint following the use of the pain pump. It is estimated that over 60% of arthroscopic shoulder

Symptoms of PAGCL after use of a shoulder pain pump include:

- Pain at the shoulder at motion or rest
- Shoulder stiffness and weakness
- Decreased range of motion of the shoulder
- Clicking or popping of the shoulder when in motion

What is Postarthroscopic Glenohumeral Chondrolysis (PAGCL)?

Postarthroscopic glenohumeral chondrolysis is a very painful condition in which the cartilage located within the shoulder joint begins to deteriorate after shoulder surgery. The shoulder cartilage dies and cannot regenerate, leaving a painful bone-on-bone condition.

surgery patients who receive a pain pump may develop PAGCL. PAGCL is an extremely painful condition which causes permanent shoulder or joint disability and has no known cure, and is usually diagnosed with an x-ray showing the narrowing of the shoulder joint space. Any patient experiencing symptoms associated with PAGCL following the implantation of a pain pump should seek medical attention immediately.

The law firm of **Alley, Clark & Greiwe** is currently investigating claims of persons who have had shoulder pain pumps and developed symptoms of PAGCL. Please contact us for important information regarding your legal rights.

FIRM NEWS

Attorney Katherine Chambers Joins Our Legal Team



As a result of our commitment to the trials of our existing cases and the new projects that we are embarking on in emerging mass torts, we have recently added attorney Kathy Chambers to our firm. Having been extensively involved in the fen-phen diet drug and breast implant litigation, Kathy is no

stranger to mass tort litigation. Her legal knowledge and organizational skills are well-recognized and appreciated and will further allow us to continue to expand into newly emerging mass torts areas. Kathy will be a welcome addition to our mass torts and product liability litigation team.

Jim Clark and Don Greiwe selected as Tampa Bay's Best Lawyers once again



James D. Clark

The publishers of *The Best Lawyers in America*® 2008 have released their list of Tampa Bay's Best Lawyers. This list is considered by most to be the definitive guide to legal excellence across the United States. Fewer than 2% of lawyers nationwide are selected for inclusion in this prestigious publication. The attorneys nominated for this coveted distinction are selected by their peers as being experts in a particular legal field, and someone whom they would consult for advice for themselves or friends or relatives should the legal need arise. We are pleased to announce that our own **Jim Clark** was chosen for inclusion in two practice areas: Products Liability and Medical Malpractice. **Don Greiwe** was selected for inclusion in the Medical Malpractice section.

Don Greiwe to be recognized speaker at upcoming HRT conference

Our continuing fight for our clients and the depth and breadth of our knowledge gained through intense preparation for an anticipated hormone replacement therapy trial has lead to our own **Don Greiwe** being invited to speak on the status of HRT litigation at an American Association of Justice sponsored program in Las Vegas in September of 2008. The program will take place over two days and will be attended by attorneys from across the nation.



Don Greiwe

Visit our website:
www.tampatriallawyers.com

Tobacco Litigation

Status Update on Pending Individual Engle Tobacco Lawsuits

Across the State of Florida, there are approximately 8,000 individual lawsuits moving forward against the major tobacco companies as a result of the *Engle* decision handed down by the Supreme Court of Florida in December of 2006. As you would expect, the court jurisdictions with the most cases pending correlate with some of Florida's most populated counties including Hillsborough, Dade, Duval, Broward and Orange Counties. These counties lead the way as some of the early "litigation centers" for tobacco cases. Although circuit courts across the State of Florida are not formally required to advance all pending tobacco cases to trial in a unified manner, several counties now have Case Management Orders in place, which serve to streamline cases, achieve procedural and pretrial consistency, and allow the cases to move forward in an organized and efficient manner. In some jurisdictions, preliminary rulings on legal issues are being managed by a single judge in order to achieve consistent rulings. In many instances, this same judge is empowered to either set cases for trial or "activate" cases and establish schedules for case preparation in anticipation of cases being set for trials.

The law firm of **Alley, Clark & Greiwe** currently has approximately 300 tobacco lawsuits pending throughout the State of Florida. Our firm has been instrumental in the coordination of various litigation centers throughout the state. We are pushing for Case Management Orders to be entered in additional jurisdictions as we believe coordination is very beneficial to the efficient handling of the large number of pending tobacco cases. We are also working closely with several other plaintiffs' law firms involved in the tobacco litigation throughout Florida in a joint effort to streamline the handling of these cases. Most of our clients are in poor or failing health with no prospects of getting better, and we represent many family members of deceased smokers. **Jim Clark** and **Don Greiwe**, who are leading our trial team, are very sensitive to our clients' health issues and are making every effort to move our clients' cases forward without delay. We believe that tobacco cases stand strong for the statement that "justice delayed is justice denied". A number of our clients' cases are already set for trials beginning as early as the first quarter of 2009, and expert and fact witness depositions are underway or being scheduled. Unfortunately, our court systems are facing budget and staffing cutbacks which will backlog the court system as a whole. We will continue to keep you updated as to the ongoing coordination efforts throughout the State of Florida in the weeks ahead.

Engle Trust Fund Claims



The Garden City Group, the Claims Administrator for the Engle Trust Fund, recently reported that they anticipate the total number of registrations to be between 65,000 and 70,000, with possible adjustments to that number due to duplicate registrations. To qualify for a share of the Engle Trust Fund, a claimant had to register before June 16, 2008, and file a claim form on or before August 1, 2008, along with supporting medical documentation to prove that an injured smoker was a Florida resident and was first diagnosed or first manifested a covered disease or medical condition on or before November 21, 1996. In some cases, it was impossible to provide the Claims Administrator with proof of Florida residency and medical documentation prior to November 21, 1996, due to the passage of time and destruction of documents. There will be a 30-day period to correct any deficiencies issued by the Claims Administrator for a particular claimant. There will be no payments made until all claims have been reviewed and approved, but the hope is that payment may be made by the end of this year or early 2009.

Moving Soon? Please be sure to keep us updated with any changes to your address or phone numbers

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