

New Important Appeal Grant in Pennsylvania

Tuesday, December 13, 2011

We can't discuss the substance, because Dechert's involved, but recently, the Pennsylvania Supreme Court accepted an appeal in a prescription drug product liability case, Daniel M. v. Wyeth Pharmaceuticals, Inc., ([order here](#)) to decide the following issue:

“Whether the Superior Court erred in reversing the trial court’s grant of JNOV for [defendant] on [Respondents’] punitive damages claim under Pennsylvania law, where (a) the FDA extensively reviewed and approved the prescription drug at issue, the sufficiency of the testing for that drug, and the drug’s label warnings of the risk of breast cancer, (b) there was no evidence that [defendant] concealed information from or misled the FDA or knew that the risk of breast cancer was greater than disclosed in its warnings, and (c) the drug was extensively tested and studied by [defendant] and independent researchers?”