

Plaintiff HT Experts Excluded

Thursday, July 14, 2011

We can't provide any commentary or analysis, because of our firm's involvement in the litigation. But we thought our readers would benefit from knowing about three recent opinions excluding certain plaintiff experts in an HT case.

Just the holdings, then:

Opinion #1: Hines v. Wyeth, 2011 WL 2680814 (S.D.W. Va. July 8, 2011).
Experts: Drs. Wayne Tilley and Donald Austin. Opinions: Oral micronized progesterone as an alternative safer design. Result: Excluded. Reasons: Reliance on statistically insignificant evidence. Reliance on animal studies.

Opinion #2: Hines v. Wyeth, 2011 WL 2680834 (S.D.W. Va. July 8, 2011).
Expert: Dr. Matthew Hollon (Dr. Adriane Fugh-Berman withdrawn). Opinions: Negligent promotional activities. Result: Excluded. Reasons: Irrelevance – no evidence that promotion influenced conduct of prescribing physician.

Opinion #3: Hines v. Wyeth, 2011 WL 2680842 (S.D.W. Va. July 8, 2011).
Experts: Drs. Suzanne Parisian and Cheryl Blume (Dr. Donald Austin withdrawn).
Opinions: Numerous, mostly concerning compliance with FDA or industry standards. Result: Excluded. Reasons: Conclusory nature of opinions. Personal beliefs/failure to identify standard of care. Corporate motive/state of mind not a proper subject/not within expert qualifications. Narrative not helpful to jury.

We'd like to say more, but our first obligation is to our client. Nonetheless we hope our readers find these summaries useful.