

Attorneys court diet-drug clients

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TAMPA - Lawsuits against the makers of dangerous diet drugs are stacking up, but lawyers don't predict easy wins in the product-liability cases.

Lawyers are using an avalanche of advertisements to reach out to millions of would-be clients who used the notorious diet drugs fen-phen, Redux and Pondimin.

Linked to potentially deadly heart valve damage, the drugs are likely to become the center of one of the largest product-liability litigations in history.

The drugs have been prescribed for about 6 million people. That's about three or four times the number of women who received breast implants, which sparked a tremendous wave of lawsuits.

Federal class-action lawsuits against the diet drug manufacturers have been filed recently in Tampa, Fort Myers and Fort Lauderdale. More than 200 federal lawsuits have been filed nationwide during the three months since the drugs were pulled from the market.

Two weeks ago, a seven-member panel of federal judges met in Fort Myers to determine whether all federal fen-phen, Redux and Pondimin lawsuits should be handled by a single federal judge.

This method, called multidistrict litigation, is designed to streamline massive class-action cases.

Fort Myers and Tampa are part of the same federal judicial district, the Middle District of Florida. But attorneys believe it is unlikely that a Middle District judge will get the diet drug cases because this district already has a tremendous backlog of lawsuits.

The nation's Judicial Panel on Multidistrict Litigation has received motions to move all diet drug cases to Louisiana, South Carolina, New Jersey, New York and Ohio. The panel has not announced its decision yet.

Tampa attorney Jonathan L. Alpert filed a class-action lawsuit in Tampa's federal court last month on behalf of fen-phen, Redux and Pondimin users.

"The drug companies knew that fen-phen had bad side effects, and knowing that they pushed it on a public that was unaware," Alpert said.

Alpert is representing 50-year-old Candy Smith of Riverview.

She began taking a generic equivalent of fen-phen in January, after it was prescribed at a weight loss clinic.

Although she had never taken a diet drug before, she said she didn't have any qualms about taking fen-phen.

"I had heard good things about it as far as losing weight," she said.

Smith only took the drug for about a month, until she lost the desired extra 10 pounds.

She contacted Alpert after hearing about fen-phen's problems in the media.

"I was surprised. It's bound to upset you," Smith said. She has yet to go for heart tests, and said she's trying not to worry about the outcome.

Alpert said the manufacturers and distributors of the diet drugs should be responsible for the cost of medical monitoring for Smith and others like her.

Alpert likened the diet drug to asbestos: "You have a silent killer at work inside a human body."

"Is this going to be another field day for the lawyers? Probably not," Alpert said. Like the lawyers who tackled asbestos manufacturers a year ago, Alpert said lawyers that take on fen-phen and Redux can anticipate years of sophisticated legal wrangling and a lot of expense.

Alpert has not joined the rush to advertise for clients.

"It's not something we're comfortable with as a law firm," Alpert said. "It conveys a message that you'll get some sort of relief, when this will be a hard and long battle."

Clearwater attorney Wil Florin also predicts a long battle, but he says that medical malpractice and product liability are his firm's specialty.

Florin's firm has been running area newspaper advertisements: "If you have health problems from taking Pondimin or Redux diet pills, you may be entitled to money damages."

Florin said that about 500 people responded to the ads and about 300 have agreed to have his firm represent them.

Florin said that the majority of his clients are women, between 30 and 50 years old. He said many have been long-term users of the drugs and most used them for cosmetic purposes to lose extra weight rather than to combat health-threatening obesity.

Florin advises clients to go to their doctors for tests to determine if they have suffered heart-valve damage.

Of the test results he has received so far, he estimated that about 30 percent indicate heart damage - on par with national statistics.

The Food and Drug Administration reported that 92 of 291 dieters on the medications had damaged heart valves.

The patients were being treated at five diet centers across the country, and had not shown any symptoms of the heart problems they were experiencing. Nonetheless, physicians tested the patients and discovered a rare condition that causes the heart to leak blood from its valves and weaken.

Last month, the Department of Health and Human Services recommended medical exams for anyone who has taken fenfluramine - the "fen" half of fen-phen and Redux. Fenfluramine is also called Pondimin.

"The numbers of people who had heart valve problems ... were just too large to be a random coincidence," Florin said.

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