

Experts Said to Warn Merck About Vioxx



AP Photo: Frederick 'Mike' Humeston turns to talk to his wife Mary Jackson Humeston in the courtroom...

By JOHN CURRAN, Associated Press Writer
1 hour, 17 minutes ago

ATLANTIC CITY, N.J. - Merck & Co. was told by its own experts about the potential health risks of its painkiller [Vioxx](#) before it went on sale in 1999, a plaintiff's lawyer told jurors Friday in a trial over whether the drug caused a Boise, Idaho man's heart attack.

In a 1998 document, Merck's board of ADVERTISEMENT scientific advisers told the company that Vioxx and other so-called Cox-2 inhibitors could create rupture-prone plaque in arteries and lead to insufficient blood flow to the heart. The document said the findings weren't conclusive but should be "taken as a basis for hypotheses that should be actively pursued."

Chris Seeger, lead attorney for plaintiff Frederick "Mike" Humeston, also showed jurors a 1999 letter in which Dr. John Oates, a Vanderbilt University pharmacology professor and Merck consultant, told Merck's research chief the drugs could cause dangerous blood clots in some patients.

"The purpose of this communication is a heads-up," Oates wrote.

Seeger showed the documents to his first expert witness, Dr. Benedict Lucchesi, a University of Michigan professor and an authority on the impact of drugs on the heart. Lucchesi is testifying on behalf of Humeston, a 60-year-old postal worker who suffered a heart attack in September 2001, two months after he started taking Vioxx.

Lucchesi's testimony was to continue Friday afternoon, followed by Merck's cross-examination.

On Friday morning, Superior Court Judge Carol Higbee rejected a Merck motion to keep Lucchesi off the stand because, Merck said, there was no firm scientific evidence to support Lucchesi's conclusion Vioxx contributed to Humeston's heart attack. Higbee said the company's defense team had had ample opportunity to take a deposition from him or challenge his credentials previously and had not.

Merck, based in Whitehouse Station, withdrew Vioxx from the market last September after its own research showed the popular arthritis drug doubled risk of heart attack and stroke after 18 months' use. The drug giant faces more than 5,000 lawsuits filed in state and federal courts — about half of them in New Jersey state courts — by former Vioxx users alleging the medicine harmed them.

The first trial ended last month when a Texas jury stunned Merck with a \$253 million liability verdict, although that will be slashed to about \$26 million because Texas caps punitive damages. Merck plans to appeal.

On Thursday, the company's lead lawyer, Diane Sullivan, challenged testimony of the first witness, Humeston's physician, suggesting he should have been aware of risks associated with Vioxx because of a 2000 medical journal report.

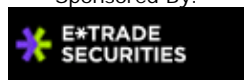
Dr. Gregory Lewer testified he believed Vioxx caused Humeston's 2001 heart attack and wouldn't have prescribed it if he knew of research linking it to cardiovascular problems.

RELATED QUOTES

MRK	28.90	+0.14
^IXIC	2160.35	+14.20
^GSPC	1237.91	+10.18

Delayed Data
[Providers - Disclaimer](#)

Sponsored By:



Power E*TRADE

Add headlines to your personalized My Yahoo! page
[\(About My Yahoo! and RSS\)](#)

Business - AP



[» More News Feeds](#)

NEWS ALERTS

Get an alert when there are new stories about:



[Vioxx](#)

New York Stock Exchange

Add Selected Alerts

» More Alerts

TECH TUESDAY



DVR PC

Record, pause, and play your favorite shows by turning your PC into a TiVo-like device.

» All Tech Tuesday

FULL COVERAGE



Hurricane Katrina

Latest news, features, photos, video and more.

» More Full Coverage

HOT BUSINESS NEWS



Popular Business News

The most popular business news stories and photos.

» All Most Popular

ALSO IN Y! NEWS



Top Tech News

The latest news, features, and photos from the tech

industry.

» All Tech News

YAHOO! SEARCH

More News in Yahoo! Search

Premium subscription news content now in Yahoo! Search.

» Learn More

"The total amount of information is overwhelming. Nobody can keep up on all of it," Lewer said.

Later, Sullivan told the jury stress and other problems were responsible for Humeston's heart attack.

In a separate development, the nation's first federal civil trial involving Vioxx has been moved from Katrina-ravaged New Orleans to Houston.

The ruling was made by U.S. District Judge Eldon Fallon, who is overseeing pretrial coordination of more than 1,800 federal Vioxx lawsuits to streamline document gathering and other steps common to the cases. Fallon ruled that the federal trial, expected to last two weeks, will start as scheduled on Nov. 28. The judge and a handful of his staff moved from New Orleans to temporary quarters at the federal courthouse in Houston earlier this month.

Merck shares were down 4 cents at \$28.72 in afternoon trading on the [New York Stock Exchange](#).

On the Net:

<http://www.merck.com>

<http://www.seegerweiss.com>

[Email Story](#)

[IM Story](#)

[Discuss](#)

[Printable View](#)

RECOMMEND THIS STORY

Recommend It:

Average (30 votes)



» Recommended Stories

Full Coverage: Anti-Inflammatory Drugs

NEWS STORIES

[Merck Is in Vioxx Fight for Long Haul](#) AP via Yahoo! News, Sep 09

[Merck to press ahead with Vioxx defense](#) Reuters via Yahoo! News, Sep 09

[Merck Blocks Ethics Expert at Hearing](#) AP via Yahoo! News, Sep 08

[How a Small-Firm Attorney Took On Merck and Won](#) Law.com via Yahoo! Finance, Aug 31

FEATURE ARTICLES

[How a Small-Firm Attorney Took On Merck and Won](#) Law.com via Yahoo! Finance, Aug 30

[Vioxx case shakes the drug market](#) at BBC, Aug 22

OPINION & EDITORIALS

[The Vioxx Hex](#) at The Washington Post (reg. req'd), Sep 16

[Taking Vioxx -- for Plenty](#) at The Washington Post (reg. req'd), Aug 28

Business News

[Stocks End Up on Energy Sector Improvement](#) AP

[Current Account Deficit Improves in 2Q](#) AP

[Oil Prices Drop on Signs of Falling Prices](#) AP

[OPEC Likely to Increase Production Ceiling](#) AP

[Tailor-made problem](#) Chicago Tribune

Most Viewed - Business

[Gold settles at new 17-year peak](#) Reuters

[Consumer interest in better mileage is rising](#) USATODAY.com

[Oil Prices Drop on Signs of Falling Prices](#) AP

[Consumer sentiment slumps after Katrina](#) Reuters

[New Company Sets Goal of Settling Mars](#) AP

Sponsored Links

([What's this?](#))

[Merck Recalls Vioxx - Merck Lawsuit Info](#)

Merck recalls Vioxx and we are evaluating cases against Merck. Need a case evaluation about Merck - Vioxx look to ClassActionConnect. Merck and Vioxx up to date information.

www.classactionconnect.com

[Merck and Lawsuit](#)

Offering current news and information about the withdrawal of Vioxx and possible legal ramifications.

www.newsaboutvioxx.com

Search:

All News

Advanced

[Yahoo!](#) - [My Yahoo!](#) - [Mail](#)

[News Home](#) | [U.S.](#) | [Business](#) | [World](#) | [Entertainment](#) | [Sports](#) | [Tech](#) | [Politics](#) | [Science](#) | [Health](#) | [Most Popular](#) | [Odd News](#) | [Opinion](#)

Copyright © 2005 The Associated Press. All rights reserved. The information contained in the AP News report may not be published, broadcast, rewritten or redistributed without the prior written authority of The Associated Press.

Copyright © 2005 Yahoo! Inc. All rights reserved.

[Questions or Comments](#)

[Privacy Policy](#) - [Terms of Service](#) - [Copyright/IP Policy](#) - [Ad Feedback](#)