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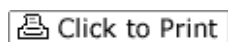


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Merck braces for more Vioxx pain

Closing arguments expected Monday in suit by Idaho man; may determine thousands of other cases.

October 31, 2005: 9:54 AM EST

PHILADELPHIA (Reuters) - Lawyers were set to deliver closing arguments Monday in the second trial over Merck & Co Inc.'s painkiller Vioxx, a case seen as key in determining thousands of other pending lawsuits filed by users of the drug.

The trial in Atlantic City, N.J. is winding down after seven weeks of testimony. At issue is whether Vioxx caused an Idaho man's heart attack. Merck withdrew the medicine from the market last year after studies showed increased heart risks following long-term use.

[Merck \(Research\)](#) is hoping for a victory after losing its first Vioxx trial. In that case, a Texas jury in August ordered the company to pay [\\$253 million](#) to the widow of a Vioxx user. That amount is expected to be cut to about \$26 million under state caps on damages. Merck is appealing.

Whitehouse Station, N.J.-based Merck faces more than 6,500 other Vioxx suits, including several thousand that have been filed so far in its home state. The judge overseeing the Atlantic City trial, Carol Higbee, is expected to preside over much of the New Jersey state litigation.

Other plaintiffs' lawyers are combining to take on Merck & Co. in state courts, according to a report in the *Wall Street Journal*.

The group claims to represent about [20,000 Vioxx cases](#) and said it expected to file court papers October 24, telling Merck and the judge overseeing the federal cases that these plaintiffs aim to fight the company in state courts and want no part of the federal litigation set to start in November, the paper reported.

The New Jersey suit was brought by Frederick "Mike" Humeston, a 60-year-old postal worker who blames Vioxx for his 2001 heart attack. Humeston had been taking Vioxx for about two months to relieve knee pain stemming from a Vietnam War wound.

Humeston testified that he had felt "bullet-proof" before the heart attack, but that the attack left him weak and depressed and hurt his sex life.



Merck says risk factors like age, weight and stress likely are to blame for Humeston's heart attack. Researchers from the drug company testified that they had taken care to ensure Vioxx's safety, rejecting accusations that Merck recklessly marketed the drug to boost profits.

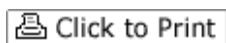
In contrast to the long, technical testimony that often characterized the trial, Merck lawyer Diane Sullivan clashed memorably with Judge Higbee several weeks ago after Higbee threw out the testimony of Merck's first witness. During the sparring match, the judge at one point threatened to have the defense lawyer removed from the courtroom.

After closing arguments, the jury will retire to consider its verdict.

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