

Amid tears, Vioxx trial moves into its 3d week Family members recount hardships after heart attacks

The Boston Globe

By Bloomberg News | March 21, 2006

The daughter of a man who blames his 2003 heart attack on [Merck & Co.'s](#) Vioxx painkiller told a New Jersey jury that her 59-year-old father has lost his vitality and now talks about dying.

Jackie Cona, 23, wept as she recounted how Thomas Cona once coached youth sports, attended her swim meets, played golf, and body surfed in the ocean. On a recent walk with the dog, he often had to sit and rest, she said.

"That's not my dad," Jackie Cona testified in state court in Atlantic City. "He was so slow. That's just not him."

Jurors also heard from Irma McDarby, whose 77-year-old husband, John, blames his 2004 heart attack on Vioxx. Merck withdrew Vioxx that year when a study showed it doubled the risk of heart attacks after 18 months. The trial, now in its third week, is the first involving patients who say their use met that threshold. Merck will present its first witness tomorrow.

Merck, which faces 10,000 Vioxx lawsuits, said Thomas Cona and John McDarby had heart attacks because of other health risks. The company has set aside \$970 million for legal costs and vowed to fight each suit. Merck has won two and lost one in trials since August. Thomas Cona's lawyers rested today; John McDarby's will rest tomorrow.

Jackie Cona said she and her father, who lived in Cherry Hill, N.J., had worked out on June 9, 2003, before he went to play golf. His heart attack struck as he prepared to tee off.

Jackie Cona, the second of two daughters, is single. Plaintiff's attorney Benedict Morelli asked whether she had any fears about marriage.

"My dad may not be able to walk me down the aisle," Jackie Cona said, before sobbing as she ended her testimony.

Merck has questioned how debilitated Cona was by the heart attack, noting that he played golf more than 50 times in the next six months.

Merck also disputes Thomas Cona's claim that he took Vioxx for 22 months.

Irma McDarby testified about the heart attack that felled her husband on April 15, 2004, at their home in Park Ridge, N.J. John McDarby says he took Vioxx daily for four years for arthritis. She said he had appeared disoriented before falling.

"He twisted and fell like a sack of potatoes to the floor," Mrs. McDarby told jurors.

Her husband, a retired insurance salesman, is now confined to a wheelchair, she said. He spent 34 days in the hospital and 69 days in a rehabilitation center before coming home, she said.

"He cannot get up out of a chair," she said. "He can't get out of bed on his own. He can't dress himself. He needs assistance going to the bathroom."

Merck has suggested that John McDarby fell and then broke his hip, contributing to the heart attack. The company also linked it to his age, diabetes, blood pressure, and clogged arteries. ■