



*We Never Forget that Behind Every Case, are Real People*

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**Jury Award Las Vegas Couple a Record \$500 Million Award for hepatitis C Contamination**

Jury awards a Las Vegas couple \$500 million in punitive damages after the husband contracted hepatitis C during a colonoscopy procedure.

The couple had sued the Teva Parenteral Medicine and Baxter Healthcare Services on several product liability claims related to propofol, a popular anesthetic that was used at the Endoscopy Center when he was infected with hepatitis C in 2006.

In 2008, two Las Vegas endoscopy clinics notified over 50,000 patients about possible exposure to hepatitis, HIV and other blood-borne diseases because of unsafe injection practices at the clinic. Hundreds of patients have filed lawsuits as a result of the outbreak.

Officials blamed the local outbreak on nurse anesthetists reusing single-dose drug vials between patients after the vials had become contaminated by the nurses reusing syringes on the same patient.

The couple's lawyer said the companies knew of the temptation to reuse the large 50 milliliter vials of propofol, which contained four to five times the amount needed for a typical 10-minute colonoscopy. Teva wrote to the U.S. Food and Drug Administration in 2000 to get approval to make 10 milliliter vials of propofol. The report acknowledged that some medical workers were reusing the larger vials among patients to avoid throwing away unused anesthetic.

The smaller vials would improve patient safety un-

dergoing endoscopic procedures because there would be less leftover anesthetic to tempt medical workers to reuse the vials, the report stated.

Teva made the 10 milliliter vials until 2007, when it stopped production in part because the smaller vials (10 millimeter) cost more to make than the larger vials (50 millimeter).

The jury found both drug companies liable for failure to warn and for breach of warranty. They awarded more than \$5 million in compensatory damages. They also agreed that punitive damages were warranted; ultimately deciding during deliberations, that Teva Parenteral Medicines should pay \$356 million and Baxter Healthcare Corp. should pay \$144 million.

Hepatitis C can lead to liver disease, including cirrhosis or liver cancer. The husband's hepatitis was controlled after weeks of treatment similar to chemotherapy, which made the virus inactive. He said the treatments, which were grueling, reduced his stamina and have caused lingering joint pain.

The couple's lawyer said the drug companies knew about 148 cases of hepatitis linked to propofol before he underwent the colonoscopy and didn't do anything to warn medical professionals.

If you have had a colonoscopy or an endoscopy procedure, or another procedure where you believe you have received the drug propofol or have been recently diagnosed with HIV or Hepatitis C following a medical procedure, please contact **1 877 MESSALAW**.

**Recent Settlements**



**\$600,000 settlement** for a 47 year-old man who died from HIV and AIDS after his primary doctor failed to test, diagnose and promptly treat him, even after he showed symptoms of the disease. The man was tested for HIV and Hepatitis B (HBV) infection after he reported a needle stick while at his workplace in 1993, both tests were negative. For almost a decade later, the Plaintiff never received another HIV test despite having swollen glands, prolonged bowel symptoms, weight loss and other immune related disorders, all red flags for HIV. When his symptoms progressed, a HIV test was finally ordered and came back positive. By that time, the HIV had developed into the full-blown AIDS virus and the Plaintiff was too ill to receive antiretroviral medication, which if he was tested earlier and received the medication, would have prevented his death in 2003.

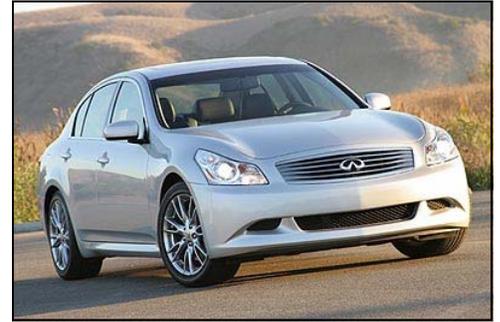
## Nissan recalls 134,000 Infiniti G35s for Airbag Fix

According to the National Highway Traffic Safety Administration (NHTSA, just over 134,000 Infiniti G35 coupes and sedans sold in the mid-2000s are affected by a problem in which wire harnesses for the airbags may wear down to the point of not functioning properly, meaning that the airbags may not deploy in a crash.

Infiniti is recalling **2005-06 model year G35 sedans** and **2005-07 model year G35 coupes** sold around the world due to the airbag problem.

The automaker has not yet notified the Feds of how the faulty wire harnesses will be fixed, but the official recall is now being announced, just two weeks after the potential problem was reported to NHTSA.

At the time, no crashes or injuries have been reported due to this issue, and Infiniti's parent company, Nissan, is hard at work developing a solution for this potentially dangerous situation.



For more information please contact  
**1 877 MESSALAW**

## Children's Medications, and others, Recalled

A voluntary recall has been issued for dozens of over-the-counter drugs for children, including Tylenol and Motrin, because they do not meet quality standards. The maker of the recalled products, McNeil, said on Monday that it was taking "corrective actions" at its U.S. plant after some 40 children's versions of those drugs were recalled for quality concerns.



McNeil said on Saturday that it took action as a "precautionary measure," saying that some of the products could have problems with their ingredients while others could contain "tiny particles."

On Monday, McNeil elaborated on the nature of the "tiny particles," saying they may be solidified product ingredients or manufacturing residue such as tiny metal parts. McNeil's Pennsylvania plant is the only plant that manufactures Consumer Healthcare liquid pediatric products.

Drugs affected include children's versions of Tylenol, Tylenol Plus, Motrin, Zyrtec and Benadryl. These drugs were manufactured in the United States and distributed to Canada, the Dominican Republic, Dubai, Fiji, Guam, Guatemala, Jamaica, Puerto Rico, Panama, Trinidad & Tobago and Kuwait.

For more information check out:  
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