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Indiana plaintiff files Topamax mass tort claim in Phila. court

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By JON CAMPISI

A Philadelphia plaintiffs' attorney has filed a mass tort claim in state court on behalf of

an Indiana woman who alleges her child was born with a cleft palate as a result of the mother ingesting the anti-seizure medicine Topamax during pregnancy.

Lawyer Eric Weitz, of the firm Messa & Associates, filed the injury suit Feb. 28 at the Philadelphia Court of Common Pleas on behalf of Hollie Buedel, who resides in Lafayette, Ind., and is suing on behalf of her minor child, Tanner Young.

The defendant named in the litigation is New Jersey-based Ortho-McNeil-Janssen Pharmaceuticals.

The suit, which was filed as a short-form complaint in the master long-form Topamax Litigation consolidated in the Complex Litigation Center at Common Pleas Court, says that young Tanner was born with a cleft lip and cleft palate in late November 2004 due to his mother's use of Topamax while she was pregnant.

Topamax is a drug that is designed to control the seizure disorder epilepsy.

The plaintiff had taken the drug, which she was prescribed by her physician to curb her seizures, from about Feb. 12, 2004 to Nov. 8 of that year, approximately the duration of her pregnancy, the complaint states.

The suit contains counts of strict product liability—design defect; strict product liability—failure to warn; negligence; negligent design; fraud, misrepresentation and suppression; constructive fraud; breach of express and implied warranties; and gross negligence and malice.

Buedel seeks unspecified damages relating to loss of consortium, loss of services, economic losses, delay damages, and personal injury to minor plaintiff.

The case ID number is 130203056.

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