

## PHIL BECK PREVAILS IN THIRD FEDERAL COURT VIOXX CASE



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In the third federal trial against Merck since it withdrew Vioxx from the market in 2004, a jury in New Orleans has cleared Merck of any responsibility for the injuries of a Kentucky man who had a heart attack after taking Merck's medicine. After a two-and-a-half week trial, the jury deliberated for less than three hours before returning a complete verdict for Merck. Bartlit Beck attorneys Phil Beck and Hamilton Hill represented Merck in the trial.

Excerpts from Chicago Tribune article:

Merck Wins Latest Federal Vioxx Case

Drugmaker not liable for man's heart attack after change to label

Tribune staff reporter Bruce Japsen contributed to this story  
September 27, 2006

"A federal jury on Tuesday cleared Merck & Co. of being liable for the heart attack of a Kentucky man who took the company's Vioxx painkiller for less than five months.

"Robert Garry Smith, 56, a manager at a chemical plant, began taking Vioxx in 2002, after the medication's label was changed to reflect a study's results that use of the drug caused increased risks of cardiovascular problems. Smith had a heart attack in February 2003.

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"This really reinforces the company's resolve to try these cases one at a time and defend each one as they come along,' said Phil Beck of the Chicago law firm Bartlit Beck Herman Palenchar & Scott, which is trying the federal cases for Merck.

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"The patient has some responsibility,' Beck told the jury. He said Smith, who works at a chemical plant near Cincinnati, was shoveling snow at his home in Florence, Ky., for an hour before his heart attack.

"Beck said Merck kept doctors informed about Vioxx. Merck scientists told jurors they kept regulators and doctors informed about the known risks of the drug.

"Merck has acted responsibly from the time it discovered the Vioxx molecule until the time it was withdrawn,' Beck said."

## **ATTORNEYS**

Philip S. Beck

Hamilton H. Hill