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Plaintiff Awarded \$1.75M in Third Risperdal Verdict

BY MAX MITCHELL

Of the Legal Staff

A Philadelphia jury has awarded \$1.75 million to a plaintiff who alleged that taking the antipsychotic drug Risperdal caused gynecomastia, a condition in which boys grow excessive breast tissue.

The jury handed up the verdict in *Murray v. Janssen Pharmaceuticals* on Monday following about two weeks of trial and two-and-a-half hours of deliberations. The jury determined that Janssen Pharmaceuticals, which made the drug, failed to warn health care providers about gynecomastia as a risk of taking the drug, and the failure to warn caused plaintiff Nicholas Murray's injuries.

"I think the jury was convinced that Janssen hid data from the [U.S. Food and Drug Administration] and the doctors, and

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I think that the jury's verdict shows that, when children are involved, juries aren't going to let drug companies get away with hiding the data," said Murray's attorney, Jason Itkin of Arnold & Itkin. "I think it sends a message to Janssen. ... We're going to try these cases and we expect the verdicts to get better and better."

A statement from Janssen spokeswoman Robyn Frenze said the company will consider its options going forward.

"Dealing with child psychiatric disorders can be very difficult for families, and we sympathize with the plaintiff, Nicholas Murray, and his family," Frenze said in an emailed statement. "During the trial, the jury heard evidence that the FDA-approved label properly warned of Risperdal's potential side effects and that his physical condition was not caused by

using the medication. Risperdal has helped and is still helping millions of patients with debilitating mental illnesses and neurodevelopmental conditions as part of a comprehensive treatment plan."

The plaintiff in the case had been prescribed Risperdal for his attention deficit hyperactivity disorder, and began noticing significant breast tissue growth between 2006 and 2008, court papers said. Although he was allegedly teased at school, he did not undergo surgery to have the tissue removed.

The result Monday was the third jury verdict in the mass tort litigation involving Risperdal and plaintiffs alleging the drug caused gynecomastia. Previous juries have returned one verdict for a plaintiff and one defense verdict

In February, a jury awarded \$2.5 million to plaintiff Austin Pledger. In the following month, however, a jury in plaintiff William Cirba's case came back with a defense verdict in favor of Janssen.

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A fourth case, involving plaintiff Tim Stange, has been ongoing for several weeks, and is expected to come to a conclusion as

soon as next week.

Murray's case was also the first Risperdal case in Philadelphia to be tried by Itkin. His Houston-based firm recently announced it had joined with the firms of Kline & Specter and Sheller P.C. to try numerous upcoming Risperdal-related cases.

"The verdict was a product of a large team effort led by Jason and Cory Itkin in this trial," said Thomas R. Kline, who tried the previous Risperdal cases.

Kline noted that several additional Risperdal-related cases have been set to start trial early next year.

Murray's case was held before Judge Victor J. DiNubile, and John Winter of Patterson Belknap Webb & Tyler handled the case for Janssen.

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