

# Jury awards couple \$5.15 million

By Inquirer Staff Writer  
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A federal court jury here awarded a Montgomery County woman and her husband \$5.15 million for injuries she suffered after using a Dalkon Shield birth control device. The judgment was the largest ever awarded in federal court litigation over the now-discontinued intrauterine device. The verdict, reached by the eight-woman, two-man jury late Wednesday night, was the latest in a decade of lawsuits over the Dalkon Shield, which was sold by the A.H. Robins Co. of Richmond, Va., from 1970 to 1974.

The jury found that the company negligently sold an improperly designed device, without adequate warning of possible injury, to the 45-year-old Lansdale woman in 1970, several months after her marriage. The woman's name is being withheld at the request of her lawyer. She wore the device for four years. She suffered a pelvic infection, and surgeons had to remove her uterus, fallopian tubes and ovaries, making her sterile and menopausal.

The woman and her husband have no children, said their attorney, Thomas Kline. The jury awarded the woman more than \$4.5 million and awarded her husband \$573,400 to compensate for their loss. According to Kline, trial evidence showed that officials at A.H. Robins knew about defects in the Dalkon Shield as early as June 1970, weeks after the firm bought the rights to market the device from the Dalkon Corp. Court records show that the company's attorneys argued there was no "medical certainty" that the intrauterine device caused the woman's injuries, and a company spokesman yesterday called the judgment "totally unjustified." "Even had the device been at fault, the damages award bears no relation to the injury the woman suffered," said Roscoe Puckett Jr., A.H. Robins' public information manager. He said the company would appeal the verdict. The award was the largest handed up in federal litigation over the Dalkon Shield, said Puckett and Tom Hennessey, who follows such cases for OB/GYN Litigation Reporter, a medical law digest based in Edgmont.

A \$6.8 million award is under appeal in the Colorado state courts, they said. About 2.2 million women used the Dalkon Shield between 1970 and 1974, when it was taken off the market. Nearly 5,000 women have filed suit over injuries allegedly caused by the device.