

## **N.Y. Times joins bid for Wyeth case files**

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The New York Times has joined a national public-interest law firm in asking a federal judge in Little Rock to unseal court documents shedding light on Wyeth Pharmaceuticals' "ghostwriting" practices.

U.S. District Judge Bill Wilson Jr. is handling pretrial issues for thousands of lawsuits across the country accusing Wyeth of manufacturing and promoting hormone-replacement drugs that cause breast cancer.

In three such trials held in Little Rock since 2006, two of which ended in verdicts for Wyeth and one for the plaintiff, the plaintiffs' attorneys have presented evidence that Wyeth hired public-relations firms to write or edit articles for medical journals or other publications about Wyeth drugs but did not reveal the firms' or Wyeth's involvement.

Wyeth has said that researchers whose names appeared on the articles as the sole authors were allowed to review the articles before they were published and correct any inaccuracies.

The documents shown to jurors at trial in Little Rock and elsewhere across the country have not been publicly available outside of the trial because of a protective order sought by Wyeth.

On June 11, Public Justice, a law firm in Washington, D.C., representing PLoS, a medical journal published by the Public Library of Science, filed a motion in Little Rock asking Wilson to unseal the documents.

The law firm cited a December article in the Times about the efforts of Sen. Charles Grassley, R-Iowa, to gather information for a congressional investigation into drug-industry influence on doctors. The Times article focused on medical-journal articles ghostwritten for Wyeth that were favorable about the company's hormone drug Prempro.

Wyeth hasn't yet filed a response to the law firm's attempt to intervene, and Wilson hasn't yet ruled on the issue. He will hold a status conference in the multidistrict litigation against Wyeth on June 26.

In dozens of trials across the country, experts have strongly disagreed on the breast-cancer claims. Meanwhile, the drugs are still approved by the U.S. Food

and Drug Administration for use by menopausal women, but doctors are now prescribing them in much lower doses than they did in the 1990s, before a national study noticed an increase in breast-cancer rates in a group of women who took Prempro.

"On behalf of the public, The Times seeks access to documents, exchanged in discovery, shedding public light on defendant's 'ghostwriting' practices," says a document that Little Rock attorney J.G. "Gerry" Schulze filed Wednesday in Little Rock.

"These documents will educate the public and allow them to better understand materials they use every day in making their often life-dependent health care decisions," Schulze said. "If released, they will aid the public in comprehending that some of the articles they rely on, and believe objective, are, in fact, biased and essentially paid for by a drug company whose medicine the articles are promoting."

Schulze argued that the documents "do not come close to meeting the test for a valid protective order," as they don't contain proprietary or trade-secret information.