

## GSK working to settle Paxil birth-defect suits

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GlaxoSmithKline ([NYSE: GSK](#) [1]) is sitting at the settlement-negotiation table with hundreds of Paxil plaintiffs. The drugmaker has agreed to settle some 190 cases over allegations that the antidepressant caused birth defects, and an attorney involved in the litigation said another 100 or so claims have been settled as well. As Judge Sandra Mazer Moss, who's coordinating the mass tort case, tells *The Legal Intelligencer*, GSK's philosophy "is to try and settle what they can and to settle in groups."

The settlement deals come on the heels of a loss in the only Paxil birth-defect case that has gone to trial in that Philadelphia mass tort. A jury awarded compensatory damages of \$2.5 million to one plaintiff back in October. Every other case scheduled for trial since then has been settled, the *Intelligencer* reports. A GSK spokeswoman tells the publication that the company has agreed to settle some cases "despite its litigation defenses, in order to avoid the costs, burdens and uncertainties of ongoing litigation."

Moss says the plaintiffs and GSK have been collaborating to resolve the litigation. A mediator has helped as well. "I think there is a great deal of cooperation between the plaintiffs and defendants," she explains. "They actually work well together. There is not a lot of animosity."

GSK has plenty of incentive to settle the suits. As plaintiffs attorney Tom Kline tells the *Intelligencer*, drugmakers have "economic and reputational incentives" to avoid court. The monetary cost of resolving claims may be outweighed by the impact of publicity on a company's image with the public, the FDA, and doctors, Kline adds.

Meanwhile, GSK maintains that it handled Paxil's safety well. "GSK believes it acted properly and responsibly in conducting its clinical trial program for Paxil, in marketing the medicine, in monitoring its safety once it was approved for use," the spokeswoman says, "and in updating pregnancy information in the medicine's label as new information became available."