APNewsBreak: Deal in Mass. suit on pregnancy drug

DENISE LAVOIE - Associated Press - Associated Press

Four sisters who claimed their breast cancer was caused by a drug their mother took during pregnancy in the 1950s reached a settlement Wednesday with Eli Lilly and Co. in the first of scores of similar claims around the country to go to trial.

Neither Eli Lilly nor lawyers for the women would disclose the financial terms of the settlement, which was announced on the second day of testimony during a federal trial in Boston.

Eli Lilly said it continues to believe its medication "did not cause the conditions alleged in this lawsuit" but the settlement was in its "best interest."

"Settling this trial helps us get back to what we want to focus on as a company; developing important new medications through research and partnerships with doctors and patients," it said in a statement.

A total of 51 women, including the Melnick sisters, filed lawsuits in Boston against more than a dozen companies that made or marketed a synthetic estrogen known as DES.

DES, or diethylstilbestrol, was prescribed to millions of pregnant women over three decades to prevent miscarriages, premature births and other problems. It was taken off the market in the early 1970s after it was linked to a rare vaginal cancer in women whose mothers used it.

Studies later showed the drug did not prevent miscarriages.

Attorney Aaron Levine, representing the Melnick sisters, told the jury during opening statements that Eli Lilly failed to test the drug's effect on fetuses before promoting it as a way to prevent miscarriages.

Lawyer James Dillon, for Eli Lilly, told the jury that there was no evidence the drug causes breast cancer in the daughters of women who took it.

Dillon also said that no medical records show the mother of the four Melnick sisters took DES or that, if she did take it, it was made by Eli Lilly. Leading researchers at the time recommended that DES be used for pregnant women who had consecutive miscarriages, he said.

DES was not patented and was made by many companies.

The Melnick sisters, who grew up in Tresckow, Pa., said they all developed breast

cancer in their 40s.

Levine told the jury their mother did not take DES while pregnant with a fifth sister and that sister has not developed breast cancer.

The four Melnick sisters also had miscarriages, fertility problems or other reproductive tract problems long suspected of being caused by prenatal exposure to DES. They were diagnosed with breast cancer between 1997 and 2003 and had treatments ranging from lump-removal surgery to a full mastectomy, radiation and chemotherapy.

Thousands of lawsuits have been filed alleging links between DES and vaginal cancer, cervical cancer and fertility problems. Many of those cases were settled.

Attorney Andrew Meyer, who's handled numerous medical malpractice cases, said the settlement in this case could signal settlements in other cases.

"When one settles a case, they recognize they can lose it," he said. "The reason they can lose it is because there's enough evidence for the plaintiffs to be able to win it. So it's not just optics, it isn't."

Columbus, Ohio, resident Irene Sawyer also is suing Eli Lilly, alleging that her prenatal exposure to DES caused her breast cancer. She called the settlement "a huge victory" for DES daughters.

"The bottom line is that this company put out a drug without testing, without knowing the consequences of this drug," she said.

It's wonderful, she said, that drug companies "are starting to realize this is not right, that there are consequences."

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Associated Press writer Jay Lindsay contributed to this report.

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