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## Zyprexa blamed for son's death, parents sue

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By David Yates

Valedictorian of his high school class and honor graduate from Rice University, Scott Sexton's future promised greatness.

However, sometime between graduating from Rice with a masters in business administration and working at the accounting firm Deloitte Touche, Sexton was diagnosed with a mental disorder and prescribed Zyprexa. He died of pancreatitis on Dec. 7, 2006.



Sexton's grieving parents, Charles and Kaye, believe Zyprexa was at the root of their son's untimely death and are suing the drug's maker, Eli Lilly & Company - filing suit on Aug. 20 with the Jefferson County District Court.

According to the Eli Lilly Web site, Zyprexa is a prescription medicine approved by the FDA for the treatment of acute manic or mixed episodes of bipolar I disorder, maintenance treatment in bipolar disorder and schizophrenia. "ZYPREXA was among the first of a newer generation of medicines used to treat these conditions."

"Every medicine, from aspirin to Zyprexa, offers healing benefits for many patients along with the possibility of undesired effects as well," the company's Web site said. "At Lilly, we believe our most important job is to protect patient safety, which means being completely up-front about potential side effects."

Zyprexa's listed side effects include drowsiness, increased appetite/weight gain, dry mouth, dizziness, feelings of weakness, constipation, upset stomach and mild trembling, the site said. "Lilly products treat depression, schizophrenia, attention-deficit hyperactivity disorder, diabetes, osteoporosis and many other conditions. We are committed to providing answers that matter - through medicines and information - for some of the world's most urgent medical needs."

According to the plaintiffs' original petition, Sexton's physicians prescribed him Zyprexa for the treatment of his psychiatric conditions. "As a result of the defective and unreasonably dangerous character of Zyprexa, Scott Sexton developed pancreatitis on Nov. 25, 2006 and subsequently died on Dec. 7, 2006."

The suit continues by alleging Sexton's treating physicians acted in reliance on Eli Lilly's false representations that Zyprexa was a safe and effective drug.

"At all times relevant, Eli Lilly and Company, its associates, or its representatives, manufactured, designed, labeled, supplied, marketed, sold, promoted and otherwise distributed Zyprexa in interstate commerce," the suit said. "Zyprexa has been widely advertised... as a safe and effective anti-psychotic medication. In reality, Zyprexa causes serious adverse health effects including pancreatitis."

The suit says clinical studies published before Sexton's purchase of Zyprexa revealed that patients receiving the medication had more pancreatitis than patients taking comparable medications.

"Eli Lilly, by affirmative misrepresentations and/or omissions, falsely and fraudulently sought to create the image of safety with regard to Zyprexa by withholding relevant information from physicians and consumers, misrepresenting the adequacy of clinical testing, and downplaying the known adverse and serious health effects including pancreatitis," the suit said.

"Eli Lilly and Company was aware of the increased risks created by Zyprexa, and concealed information about these risks from prescribing physicians and from the public."

The suit accuses Eli Lilly of acting with negligence and gross negligence and faults the company with product liability, misrepresentation, fraud, breach of continuing duty to warn and breach of express warranties.

Sexton's parents are suing for his alleged wrongful death, loss of services, advise, counsel, companionship, consortium, plus grief, bereavement, physical pain, mental anguish, funeral expenses and exemplary damages.

The plaintiffs are represented by the Clay Dugas & Associates law firm.

Judge Milton Shuffield, 136th Judicial District, will preside over the case.

Case No. D179-838

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**David Yates**