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Corporate News



Merck to Appeal Federal VIOXX® Verdict in Barnett v. Merck

WHITEHOUSE STATION, N.J., Aug. 17, 2006 - Merck said it will appeal the decision returned by a New Orleans jury today in the second federal VIOXX case to go trial, Barnett v. Merck.

"We disagree with the jury's verdict. The plaintiff was at increased risk for a heart attack regardless of whether he was taking VIOXX," said Phil Beck of Bartlit Beck, Merck's lead trial lawyer in the case.

"Both the finding and the amount of damages were totally uncalled for in this case because Merck acted appropriately in providing information to the medical, scientific and regulatory communities in a responsible and appropriate manner," said Kenneth C. Frazier, senior vice president and general counsel of Merck. "While this is not the outcome we had hoped for, our commitment to defending these cases one at a time remains the same."

The verdict comes less than a month after a California jury found that VIOXX was not the cause of a heart attack suffered by a man who alleged that his intermittent use of VIOXX caused his heart attack.

According to the evidence presented at trial, Gerald Barnett of South Carolina took VIOXX for 33 months before his heart attack at 58 and for an additional two years after the event.

During the trial, Merck produced evidence showing that Mr. Barnett had high cholesterol, a family history of cardiac problems, and documented cardiovascular disease before he ever took VIOXX.

In addition, Merck presented evidence that it carefully studied VIOXX before and after receiving approval from the U.S. Food and Drug Administration (FDA), and consistently made the results of studies available to the FDA and the medical community.

Merck is exploring several grounds for appeal, including insufficient evidence and the application of incorrect legal standards.

Merck was represented by Phil Beck of Bartlit, Beck, Herman, Palenchar & Scott LLP in Chicago. Bartlit Beck also was the lead counsel in the first federal VIOXX case, which Merck won.

This is the ninth case that has gone to trial. Earlier this month, Merck won a case brought by Stewart Grossberg, a California man who unsuccessfully claimed his intermittent use of VIOXX caused his heart attack. In July, Merck won a case brought by Elaine Doherty, a New Jersey woman who claimed her heart attack was caused by her nearly three years of VIOXX use. Prior to that, in April, a New Jersey jury rendered a split verdict in a case involving two plaintiffs. The jurors rejected a claim by Thomas Cona that VIOXX contributed to his heart attack, and found in favor of John McDarby. Merck plans to appeal the portions of the verdict that it lost.

In February, Merck won the first federal case in New Orleans when jurors in Plunkett v. Merck rejected claims that VIOXX caused the heart attack of a Florida man. In November 2005, jurors in New Jersey ruled in favor of Merck, in Humeston v. Merck, the first New Jersey case.

Finally, Merck intends to appeal last August's plaintiff verdict in a Texas state court in Ernst v. Merck, as well as April's plaintiff verdict in a Texas state court in Garza v. Merck.

About Merck

Merck & Co., Inc. is a global research-driven pharmaceutical company dedicated to putting patients first. Established in 1891, Merck currently discovers, develops, manufactures and markets vaccines and medicines to address unmet medical needs. The Company devotes extensive efforts to increase access to medicines through far-reaching programs that not only donate Merck medicines but help deliver them to the people who need them. Merck also publishes unbiased health information as a not-for-profit service. For more information, visit www.merck.com.

Forward-Looking Statement

This press release contains "forward-looking statements" as that term is defined in the Private Securities Litigation Reform Act of 1995. These statements are based on management's current expectations and involve risks and uncertainties, which may cause results to differ materially from those set forth in the statements. The forward-looking statements may include statements regarding product development, product potential or financial performance. No forward-looking statement can be guaranteed, and actual results may differ materially from those projected. Merck undertakes no obligation to publicly update any forward-looking statement, whether as a result of new information, future events, or otherwise. Forward-looking statements in this press release should be evaluated together with the many uncertainties that affect Merck's business, particularly those mentioned in

the cautionary statements in Item 1 of Merck's Form 10-K for the year ended Dec. 31, 2005, and in its periodic reports on Form 10-Q and Form 8-K, which the Company incorporates by reference.

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