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IN THE COURT OF COMMON PLEAS  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CIVIL TRIAL DIVISION

- - -

LYAM KILKER, a Minor, : FEBRUARY TERM, 2007  
by MICHELLE M. DAVID, :  
as Next Friend and :  
Individually :  
VS. :  
SMITHKLINE BEECHAM :  
CORPORATION d/b/a :  
GLAXOSMITHKLINE : NO. 1813

- - -

October 13, 2009  
Courtroom 253, City Hall  
Philadelphia, Pennsylvania

- - -

BEFORE: THE HONORABLE STEPHEN E. LEVIN, J.  
And a Jury

- - -

Reported By: Meg Clark, RMR, CRR  
Official Court Reporter

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2 APPEARANCES:

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10 (The jury enters the courtroom at

11 11:30 a.m.)

12 THE COURT: Good morning, ladies and

13 gentlemen.

14 COURT CRIER: Your Honor, may I take

15 the verdict?

16 THE COURT: Please do that.

17 COURT CRIER: Jurors, have you a

18 reached a verdict?

19 JURORS: Yes.

20 COURT CRIER: Have at least 10 of 12

21 of you agreed upon a verdict?

22 JURORS: Yes.

23 COURT CRIER: Would the foreperson

24 please rise.

25 Will you state your name for the record

1

2

and spell your last name.

3

FOREPERSON: My name is Michael

4

Murphy, M U R P H Y.

5

COURT CRIER: Mr. Murphy, can I have

6

the verdict sheet?

7

FOREPERSON: You may, sir.

8

COURT CRIER: Mr. Murphy, in the

9

matter of Lyam Kilker, a minor, by Michelle

10

David as guardian, Plaintiff, versus SmithKline

11

Beecham Corporation doing business as

12

GlaxoSmithKline, Defendant, February Term 2007,

13

No. 1813, do you find that the defendant

14

GlaxoSmithKline negligently failed to warn

15

Michelle David's physician about its drug

16

Paxil?

17

FOREPERSON: Yes.

18

COURT CRIER: Do you find that

19

Michelle David's ingestion of defendant's drug

20

Paxil was a factual cause in bringing about

21

Lyam Kilker's congenital heart defect or

22

defects?

23

FOREPERSON: Yes.

24

COURT CRIER: State the amount of

25

damages, if any, sustained by the plaintiff

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2

Lyam Kilker as a result of the defendant's

3

negligence.

4

FOREPERSON: The amount is stated

5

2,500,000.

6

COURT CRIER: Was the conduct of

7

defendant GlaxoSmithKline outrageous?

8

FOREPERSON: No.

9

COURT CRIER: So say at least 10 of 12

10

of you?

11

FOREPERSON: Yes.

12

COURT CRIER: Thank you very much.

13

You may be seated, Mr. Murphy.

14

Your Honor, may the verdict be

15

recorded?

16

THE COURT: It may.

17

COURT CRIER: Jurors, hearken to the

18

verdict as it is being recorded in the matter

19

of the Lyam Kilker, a minor, by Michelle David

20

as guardian, Plaintiff, versus SmithKline

21

Beecham Corporation, doing business as

22

GlaxoSmithKline, Defendant, Common Pleas Court

23

Term 2007 February, No. 1813, you have found

24

that the defendant GlaxoSmithKline negligently

25

failed to warn Michelle David's physician about

1  
2 its drug Paxil, you have also found that  
3 Michelle David's ingestion of defendant's drug  
4 Paxil was a factual cause in bringing about  
5 Lyam Kilker's congenital heart defect or  
6 defects, you have assessed damages in the  
7 amount of \$2,500,000 as a result of the  
8 defendant's negligence, and you have also found  
9 that the conduct of the defendant  
10 GlaxoSmithKline was not outrageous, so say at  
11 least 10 of 12 of you.

12 THE COURT: Yes, sir.

13 MR. O'NEIL: Yes, Your Honor. Could  
14 we ask the Court to poll the jury, please?

15 THE COURT: Certainly.

16 COURT CRIER: Juror No. 1, will you  
17 please rise.

18 Do you agree with the verdict as stated  
19 by the foreperson?

20 JUROR NO. 1: Yes.

21 COURT CRIER: Juror No. 2, do you  
22 agree with the verdict as stated by the  
23 foreperson?

24 JUROR NO. 2: Yes.

25 COURT CRIER: Juror No. 3, do you

1

2 agree with the verdict as you have announced in  
3 in open court today?

4

JUROR NO. 3: Yes.

5

6 COURT CRIER: Juror No. 4, do you  
7 agree with the verdict as stated by the  
8 foreperson?

8

JUROR NO. 4: Yes.

9

10 COURT CRIER: Juror No. 5, do you  
11 agree with the verdict as stated by the  
12 foreperson?

12

JUROR NO. 5: Yes.

13

14 COURT CRIER: Juror No. 6, do you  
15 agree with the verdict as stated by the  
16 foreperson?

16

JUROR NO. 6: Yes.

17

18 COURT CRIER: Juror No. 7, do you  
19 agree with the verdict as stated by the  
20 foreperson?

20

JUROR NO. 7: Yes.

21

22 COURT CRIER: Juror No. 8, do you  
23 agree with the verdict as stated by the  
24 foreperson?

24

JUROR NO. 8: No.

25

COURT CRIER: Juror No. 9, do you



1  
2 agree with the verdict as stated by the  
3 foreperson?

4 JUROR NO. 9: Yes.

5 COURT CRIER: Juror No. 10, do you  
6 agree with the verdict as stated by the  
7 foreperson?

8 JUROR NO. 10: Yes.

9 COURT CRIER: Juror No. 11, do you  
10 agree with the verdict as stated by the  
11 foreperson?

12 JUROR NO. 11: No.

13 COURT CRIER: Juror No. 12, do you  
14 agree with the verdict as stated by the  
15 foreperson?

16 JUROR NO. 12: Yes.

17 COURT CRIER: Your Honor, the jury has  
18 been polled.

19 THE COURT: Thank you.

20 Ladies and gentlemen of the jury, I  
21 don't have to thank you. You know I thank you  
22 for the extraordinary effort you have put in.  
23 I would like you to all go in the back for a  
24 second and wait there for a second so I can  
25 address you in private.

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All rise.

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(The jury leaves the courtroom at

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11:36 a.m.)

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REPORTER'S CERTIFICATION

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the trial of the above cause, and this copy is a correct transcript of the same.

Meg Clark  
Official Court Reporter