

**'Jury returns verdict against Paxil'**



*Larry Brinlee/Wyoming Tribune-Eagle*

**Attorneys James Fitzgerald and Andy Vickery, left and right, visit with their client Tim Tobin at the Nagle-Warren Mansion in Cheyenne Wednesday. Tobin successfully sued GlaxoSmithKline saying his father-in-law Donald Schell, of Gillette, murdered Tobin's wife and daughter and Schell's wife while being treated with Paxil, a drug produced by the company.**

CHEYENNE (AP) – Relatives of a Gillette man who killed himself and three others after taking the drug Paxil were awarded \$8 million Wednesday in a suit against the manufacturer of the nation's second-best-selling anti-depressant.

Jurors in the U.S. District Court considering the wrongful death suit returned a verdict against SmithKline Beecham on Wednesday. They received the case Tuesday and deliberated about four hours total.

Relatives of Donald Schell, 60, claim the Gillette man took two Paxil tablets before shooting his wife, their daughter, their granddaughter and himself to death Feb. 13, 1998.

Besides Schell, the victims were his wife, Rita Schell, 55; their daughter, Deborah Tobin, 31; and Alyssa Tobin, 9 months. Tobin's widower, Tim Tobin, and Rita Schell's sister, Neva Hardy, filed the wrongful death lawsuit.

"We feel elated. Justice has been done," said Andy Vickery, the survivors' lead attorney. He had asked the jury to award \$25 million.

The jury awarded damages in varied amount for each death, with the largest -- \$2.5 million each -- for the deaths of Deborah and Alyssa Tobin going to Tim Tobin.

"I feel like my family's been vindicated in a way," he said.

Michael Schell, the Schell's adult son, was awarded \$1.5 million, which \$500,000 each was awarded to Rita Schell's mother, Flo Reavis; Hardy; and another of Rita Schell's sisters, Peggy Dean.

An appeal is expected.

"We're surprised at the verdict in light of the overwhelming scientific evidence that shows that Paxil does not cause suicide or homicide," said Charles Preuss, attorney for the company.

"This case was about depression, not about Paxil," he said. "Paxil is a very effective medication in helping depression and our only regret is that Mr. Schell did not have Paxil for a longer period of time."

In its findings, the jury concluded that Paxil could cause someone to commit suicide or homicide and that the drug was in fact a proximate cause of the deaths in this case.

The jury attributed 80 percent of the fault in the case to the drug-maker and 20 percent to Donald Schell.

A call seeking comment from representatives of the drug company was not immediately returned Wednesday.

In closing arguments, Vickery said Paxil can produce suicidal and homicidal reactions in a small number of people.

"Since 1990, SmithKline Beecham knew there was a small group at risk and Don Schell was one of those vulnerable people," he said.

The company, now GlaxoSmithKline PLC, failed to provide adequate label warnings about the possibility of violent reactions, nor did it adequately test for the risk of such reactions, he said.

Attorneys for the company maintained that Paxil is a safe treatment for depression.

"It's plain from the facts, science and common sense," Preuss said in closing arguments. "Don Schell's escalating depression caused this."

Preuss said Schell went through five previous bouts of depression which kept him out of work but did not follow the recommendations of at least three psychiatrists.

Also, he said, Schell had been coping with the death of his father-in-law and brother and had problems at work regarding a threatened lawsuit.

Doctors from across the United States and from England were called to testify during the 2 ½ week trial.

Central nervous system drugs like Paxil are GlaxoSmithKline's biggest product group. GlaxoSmithKline's world headquarters is in London and its U.S. research operations are based in Philadelphia.