

Jury Awards \$6.4 Million In Killings Tied to Drug

By PHILIP J. HILTS (NYT)

A Wyoming jury has awarded \$6.4 million to the family of a man who killed three relatives and himself after taking the antidepressant Paxil.

Though many lawsuits have claimed that antidepressants in the same class of drugs, which includes Prozac and Zoloft, have caused suicidal or violent behavior, this is the first case a plaintiff has won, lawyers in the case said.

Charles F. Preuss, a lawyer for the manufacturer, GlaxoSmithKline said the verdict on Wednesday was a surprise.

"This issue was raised in the early 90's, and since that time all the scientific articles have concluded that these antidepressants do not cause suicide or homicide or suicidal thoughts," Mr. Preuss said.

The drugs have been shown to successfully treat depression and reduce the risk of suicide that comes with severe depression. The issue in lawsuits has been whether the drugs themselves or the illnesses they are meant to treat are to blame for patients' violent or suicidal behavior.

The drug makers say that when a patient has become violent or suicidal, it has been because the illness has overcome the effect of the drug and the patient's natural inhibitions.

But researchers who have testified in the cases have said that, even though the drugs are effective in most cases, in some patients the drugs cause agitation and violence.

Lawyers in the Wyoming case, tried in Federal District Court in Cheyenne, said Donald Schell, 60, visited an internist on Feb. 12, 1998, and received a prescription for Paxil to treat depression. The lawyers said Mr. Schell took two pills the next day before fatally shooting his wife, Rita; their daughter, Deborah Tobin; and their 9-month-old granddaughter, Alyssa; and himself.

Ms. Tobin's husband and Mr. Schell's sister filed a wrongful death suit against SmithKline Beecham, which merged last year with Glaxo Wellcome to form GlaxoSmithKline.

During the trial, the eight jurors heard that Mr. Schell had taken Prozac years earlier for depression, but that he had stopped taking the drug because he became agitated and experienced hallucinations.

The family's lawyers, James E. Fitzgerald of Cheyenne and Andy Vickery of Houston, told the jury that the fault was not so much in the drug itself but in the company's failure to sufficiently warn doctors and patients that the effects of the drug could include agitation and violence.

Mr. Vickery said in a telephone interview that in Germany, warnings are included on the packages of at least two drugs in this class, Prozac and Paxil. The Prozac package warns that the drugs could lead to suicide attempts. The Paxil package says a sedative should be taken with the drug. Those warnings are not on packages in the United States, but the insert for doctors says, under the heading "suicide," that "close supervision of high-risk patients should accompany initial drug therapy."

In 1991, experts reviewed whether this class of antidepressant might incite violence and concluded that it did not and that no additional warnings should be included on packages.