



Paxil verdict: \$6.4 million

By Becky Orr

CHEYENNE - A Gillette man killed his family and himself because he took the antidepressant Paxil, a U.S. District Court jury decided Wednesday.

Jurors ruled in favor of the man's relatives, awarding them \$6.4 million, and against a global pharmaceutical company that makes the medication.

The jury of five women and three men found in favor of the survivors of Donald Schell and his family after deliberating about 3½ hours.

It ruled that taking Paxil was the proximate cause of the deaths of Schell and his wife, daughter and granddaughter.

In what could have far-reaching effects, the jury also found that evidence showed Paxil can cause some people to kill themselves and/or others.

SmithKline Beecham - now GlaxoSmithKline due to a recent merger - makes Paxil.

It is part of a group of drugs called selective serotonin reuptake inhibitors, or SSRIs. Other such drugs include Prozac and Zoloft and are commonly prescribed to treat depression.

The jury ruled that the company is 80 percent responsible for the deaths. It held Schell 20 percent responsible.

On Feb. 13, 1998, Schell, 60, shot and killed his wife, Rita; their daughter, Deborah Tobin; their 9-month-old granddaughter, Alyssa, and himself. The deaths occurred at the Schells' home in Gillette while Deborah Tobin and her daughter were visiting.

The jury awarded \$8 million in total damages, which comes to \$6.4 million for the family when the percentage of responsibility is factored in. The family had sought close to \$26 million.

The jury awarded, before the 80 percent factor:

- \$2.5 million for the death of Deborah Tobin to her husband, Tim Tobin.
- \$2.5 million for the death of Alyssa Tobin to her father, Tim Tobin.
- \$750,000 for the death of Donald Schell to son Michael Schell.
- \$750,000 for the death of Rita Schell to son Michael Schell.
- \$500,000 for the death of Rita Schell to her mother, Flo Reavis.
- \$500,000 for the death of Rita Schell to sister Neva Hardy.
- \$500,000 for death of Rita Schell to sister Peggy Dean.

"We will appeal," said Charles Preuss, an attorney representing GlaxoSmithKline.

He said he was surprised at the verdict. He said the defense presented "compelling evidence" that Paxil is a safe and effective treatment for depression.

Lawyers for the company said throughout the trial that Schell's deepening depression caused the tragedy. He had experienced depression several times before, the company's lawyers said.

"There no evidence linking Paxil to suicide or homicide," Preuss said.

Preuss added that Paxil did not have enough time to work in Schell. The two pills that Schell did take did not cause the deaths, Preuss said.

But the jury decided otherwise.

Tim Tobin rested his head on the plaintiff's table as U.S. Magistrate Judge William C. Beaman read the verdict aloud. He then cried and embraced Hardy. He hugged his lawyers and other family supporters who also cried.

During the 2½-week trial, Tobin often put his hands to his face to wipe away tears. He and Hardy filed the wrongful death lawsuit in February 2001 as personal representatives of the family.

"It was such a long road since everything happened," an emotional Tobin said afterward.

He added that he wanted to prove the drug caused violent reactions among a small group of people. He said he hopes people now will be aware about

Paxil's benefits and problems. It should be prescribed with care, he added.

"The only thing I'm really hit with is at least they mean something," he said of those who died.

On his decision to battle the drug company, he said, "I tried to think of what the four people I had lost would want to me to do. I knew Don. I knew he wouldn't have done something without the medication provoking it."

Added Andy Vickery, the family's co-counsel from Texas, "You bet it (the verdict) vindicated Don Schell's good name."

Tobin said he will now return to his home in Billings, Mont., and his job as a phone inspector.

"We were such a simple family," he said. "For the rest of my life, I'll have to deal with what happened."

According to court testimony, Schell was given samples of Paxil on Feb. 12, 1998, when he visited his internist in Gillette. When the deaths occurred, he apparently had taken two tablets and other pills to help him sleep.

This is the first time Paxil has been at the center of a civil trial, Vickery said. It also is the first verdict returned against an SSRI.

Vickery and James Fitzgerald of Cheyenne, the family's other co-counsel, said during the trial that Paxil is a good drug for most people. But for a small group, they said, it can trigger violent behaviors, including suicide and homicide.

"I've handled many of these cases," Vickery said, "where someone who just goes nuts within the first 30 days after taking it (an SSRI)."

About the verdict, Vickery said, "We weren't surprised. The jury did the just thing, when faced with the evidence."

During the trial, Vickery showed a clinical study done by the company of 2,963 patients who took Paxil. He said the data showed that some experienced agitation, hallucinations, psychosis, suicidal thoughts and suicide attempts. Some had only been on the drug for a brief time.

The data were not made available to doctors, he said. But SmithKline knew about it, he added.

Fitzgerald said such information does not come to light without people like Tobin and Hardy.

He said the drug company now should include a black box warning on Paxil's information label stating that it can cause violent behavior in some people.

"They (the drug company) have been told they have done wrong," Fitzgerald said.

He said doctors also should have information to help them consider whether to prescribe a sedative along with Paxil because the antidepressant can cause agitation. They should be informed of the need to conduct a mental health history of a patient before they prescribe the drug, he said.

In Schell's case, evidence indicated the Gillette man had difficulty when he was prescribed Prozac years before. He had told a relative he experienced hallucinations while on Prozac, testimony showed.

Vickery said if people are fully informed, that will increase their confidence rather than scare them away from taking the drug.

Preuss said after the verdict that the clinical report the family's lawyers referred to was a double-blind study.

The study's results showed Paxil was more effective in preventing suicide than a placebo and a comparative drug. The results were available to the Food and Drug Administration, he said.