

Summary Judgment Granted In Zoloft Suicide Case For Lack Of Causation

TUCSON, Ariz. — An Arizona federal judge recently granted summary judgment in a Zoloft suicide case for lack of expert testimony on general or specific causation (Laura Cloud, et al. v. Pfizer Inc., No. 99-627, D. Ariz.).

(Order available. Document #28-020124-014R.)

Darrian Baskins was prescribed Pfizer Inc.'s Zoloft brand sertraline hydrochloride in 1996 for treatment of depression. In 1997, while still taking the antidepressant, he committed suicide by hanging.

Medical History

Baskins' medical history showed that he counseled with his pastor and a therapist, was having marital problems, drank and smoked marijuana. There was deposition testimony that while taking Zoloft, Baskins craved alcohol, paced, was extremely restless, had difficulty sleeping and complained that his skin hurt from the inside out.

The medical record also showed that Baskins had taken Mini Thins ephedra weight loss supplements.

Baskin's widow, Laura Cloud, sued Pfizer for alleged failure to warn or provide proper instructions on the potential side effect of suicide.

A motion by Pfizer for summary judgment on the basis of preemption by the Food, Drug and Cosmetic Act was denied in February 2001. Pfizer then moved to exclude the testimony of Cloud's expert witness on causation, Dr. Edwin E. Johnstone, and for summary judgment on causation and punitive damages.

Testimony Unreliable

Senior Judge William D. Browning of the U.S. District Court for the District of Arizona on Nov. 21 found that Cloud "failed to show that Dr. Johnstone's methodology and, therefore, his testimony are reliable. Even assuming he is qualified to speak about general causation, the medical and scientific articles, upon which

he relies to support his opinion that Zoloft causes suicide, do not support his conclusion."

"Based upon relevant case law, the Court does not believe that Dr. Johnstone can jump from articles, that he testified are only suggestive of a link between Zoloft and suicide, to a reliable conclusion that Zoloft causes suicide," Judge Browning wrote. "Regarding specific causation, Dr. Johnstone's conclusions are not supported by the medical literature or any admissible evidence. As a result, Dr. Johnstone's testimony regarding both general and specific causation is excluded as it is unreliable and, as a result, would likely misled [sic] and confuse the jury."

Judge Browning said he does not believe the materials cited by Johnstone support his opinion that Zoloft causes suicide.

"In particular," he wrote, "the Court finds that his reliance upon medical articles which he disavowed as providing evidence of general causation particularly disturbing and, in truth, the antithesis of a scientific method."

"In addition, as Dr. Johnstone has testified, case reports are not a recognized method of proving causation," Judge Browning continued. "Finally, the lack of significant epidemiological studies also undermines the reliability of Dr. Johnstone's testimony regarding general causation."

Other Causes Unexplored

As to Johnstone's opinion on specific causation, Judge Browning said he issued his "psychological autopsy" opinion before seeing Baskins' medical records, didn't see all the FDA material on Zoloft, didn't explore other causes of Baskins' suicide, relied on medical articles that had analytical and scientific gaps and produced no reports about an interaction between Zoloft and alcohol and over-the-counter stimulants.

Gerald S. Maltz of Haralson, Miller, Pitt & McAnally in Tucson and Andy Vickery, Richard W. Ewing and Paul F. Waldner III of Vickery & Waldner in Houston represent Cloud. John D. Everroad of Fennemore Craig in Phoenix and Malcolm E. Wheeler, James Ernest Hooper and Amy L. Padden of Wheeler, Trigg & Kennedy in Denver represent Pfizer. ■