

# SENATE DEMOCRATIC CAUCUS COMMUNICATIONS OFFICE

# Press Release

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## **Senate Democrats: “DOJ Filing Evidence that Michigan Victims Unprotected from Companies Who Make Dangerous Drugs”**

LANSING-State Senator Gretchen Whitmer (D-East Lansing) today highlighted a legal brief from the Department of Justice (DOJ) as further evidence that Michigan victims will not receive justice when a dangerous drug harms or kills someone.

“This DOJ brief blows a major hole in Merck’s position that Michigan residents can participate in lawsuits filed out-of-state,” said Whitmer, Democratic Vice-Chair of the Senate Judiciary Committee. “Unfortunately, this also underscores the sad fact that Michigan’s residents have surrendered their rights under this one-of-a-kind law that offers drug companies blanket immunity for distributing dangerous medications.”

Earlier this year, Michigan resident Kimberly Kent filed suit against Warner-Lambert Co. alleging injuries caused by the diabetes drug Rezulin. The DOJ submitted an amicus brief to the U.S. Supreme Court on November 28 to make an argument that the Food and Drug Administration (FDA) alone can seek legal recourse against a drug company for fraud committed against the agency during the approval process.

Recently, Vioxx-maker Merck began circulating a letter asserting that Michigan residents could participate in a class action lawsuit based in New Jersey. However, the brief submitted by the DOJ clearly contradicts this position, claiming that federal law preempts Michigan law in terms of who can claim fraud against the FDA. This once again emphasizes the problem that Michigan’s victims of dangerous prescription drugs have no legal recourse to hold drug makers accountable.

“Once again the drug manufacturer is more concerned with saving face and billions of dollars instead of the truth,” said Senator John Gleason, sponsor of a bill to repeal Michigan’s drug immunity law. “Merck continues to attempt to deceive the media and the public and discredit the already-violated victims of Vioxx and other drugs, and it’s time to end their immunity and usher in some accountability in Michigan.”

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