

**Products Liability Law Daily Wrap Up, TOP STORY—JURY VERDICTS—
N.D. Ill.: Jury socks ‘Low T’ drug treatment maker with \$150M punitive
damages verdict, (Jul. 25, 2017)**

Products Liability Law Daily Wrap Up

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By Kathleen Bianco, J.D.

A federal jury in Illinois returned a verdict in favor of a drug manufacturer on strict liability and negligence claims filed by an patient who suffered adverse side effects after he was prescribed the drug for the treatment of hypogonadism, but awarded the patient \$150 million in punitive damages based on the manufacturer's fraudulent misrepresentation of the drug's efficacy and safety (*Mitchell v. Abbvie, Inc.*, July 24, 2017, Kennelly, M.).

A patient who was prescribed AndroGel®, a prescription drug manufactured by Abbvie Inc. and Abbott Laboratories, Inc. for the treatment of hypogonadism or "Low T," filed suit against the manufacturers after he suffered a heart attack while using the medication. The [complaint](#), brought by the patient and his wife, alleged, among other things, strict liability claims based on failure to warn and design defect, negligence, breach of warranty, and fraud. Specifically, the patient alleged that the manufacturers' aggressive advertising campaign misrepresented that the product was a safe and effective treatment, and that the manufacturers failed to warn users of the serious and life threatening medical problems associated with the drug's use. The patient contended that the manufacturers' wrongful acts, omissions, and fraudulent misrepresentations were the cause of his injuries and damages because he had decided to use the product after seeing the manufacturers' advertisements.

Verdict. After a trial, the jury returned a verdict in favor of the manufacturers on the strict liability and negligence claims, but entered judgment in favor of the patient on the fraudulent misrepresentation claim and awarded the patient \$150,000,000 in punitive damages.

The case is No. [14 C 9178](#).

Attorneys: Margaret Moses Branch (Branch Law Firm) for Dion Keith Mitchell. Katherine Unger Davis (Dechert LLP) for AbbVie Inc., Abbott Laboratories and Unimed Pharmaceuticals, LLC.

Companies: AbbVie Inc.; Abbott Laboratories; Unimed Pharmaceuticals, LLC

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