

B.C. court clears path for HRT class-action suit

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VANCOUVER -- An international maker of a hormone replacement drug has lost its bid to block a B.C. lawsuit, clearing the way for a possible class-action suit on behalf of breast cancer survivors.

Hundreds of B.C. women who claim they got breast cancer after taking the drugs Premarin and Premplus have contacted the law firm involved in the B.C. Supreme Court lawsuit.

David Klein, the lawyer for the women, said it means if the company is found at fault, the international firm would be held accountable in a Canadian court.

"Now we can put the case back on track toward getting it certified as a class action," he said.

Officially, the lawsuit has one plaintiff so far. Dianna Stanway is the representative plaintiff in the court action that first must be certified by the court as a class action, allowing the other women to join.

Stanway alleges she got breast cancer after taking Premarin.

The drug's maker, Wyeth-Ayerst International, asked the court to dismiss the legal action, saying the Canadian women didn't have jurisdiction to sue the American firm.

But Justice Miriam Gropper refused to release the international firm from responsibility.

"I find that the U.S. defendants' admitted engagement in activities in relation to the Canadian companies and to consumers in Canada is sufficient to establish a real and substantial connection," she said in a written ruling released Monday.

Klein said it was important to keep the U.S. defendants involved in the action because of the larger asset pool if there is a judgement against the company, and because it would mean more witnesses to testify as to what the company knew about the drugs and what it was telling doctors and the public.

"If we had just the Canadian defendants we felt that we would only be seeing a small part of the total picture," he said.

Hormone replace therapy was widely prescribed to women across North

America to ease symptoms of menopause such as hot flashes and night sweats.

A major study published in 2002 linked the drugs to higher rates of heart attack, stroke and cancer in some cases, however, the drugs remain on the market.

The plaintiffs claim that long-term use led to their development of breast cancer. The allegations have not been proven in a court.

Wyeth faces thousands of similar lawsuits in the United States and last year was ordered to pay \$134.5 million by a jury in Reno, Nevada, to three women who said the drugs caused their breast cancer.

"There have been 10 trials so far in the United States; eight of them have resulted in verdicts in favour of the plaintiffs," Klein stated.

Klein said if the class-action lawsuit is approved by the court, women in British Columbia will be able to join the lawsuit if they fit the category.

He said women across Canada may also enter the lawsuit, with the court's approval.
