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Court certifies breast cancer class-action lawsuit



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By: Andrew Weichel, ctvbc.ca
Date: Friday Aug. 5, 2011 3:55 PM PT

A B.C. Supreme Court judge has certified a class-action lawsuit launched on behalf of women who developed breast cancer after taking menopause medication.

Justice Miriam Gropper ruled that women across Canada who were prescribed and ingested Premplus, or Premarin in combination with progestin, can seek compensation.

At the centre of the case is a 2002 Women's Health Initiative study that linked the menopause drugs to increased rates of heart attack, stroke and cancer – resulting in a significant decrease in hormone treatment prescriptions.

Drug company Wyeth Canada tried unsuccessfully to argue that a class action suit was inappropriate because there are too many individual circumstances among the claimants.

Gropper disagreed, stating in her ruling that a class proceeding would be "the most effective means of providing access to justice."

"Individual litigation would not be economically viable for most of the class members," she wrote.

The defendants also contended that causation of breast cancer remains unknown, both in general and specific cases.

The central claimant in the case, Sechelt resident Dianna Stanway, took Premarin for seven years until reading news reports about the WHI study in 2003.

"I never would have taken Premarin if I had been told of the risks," Stanway said in a statement. "Fortunately, I won my battle with breast cancer. Not everyone is so lucky."

One of Stanway's lawyers, David Klein, says there could potentially be thousands of claimants over the 26-year class period, which runs from Jan. 1, 1997 to Dec. 1, 2003.

The case will likely take a year or two before going to trial, he added.



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There have been hundreds of individual suits over use of hormonal treatments in the U.S. already, Klein said, which have resulted in "quite a few plaintiff verdicts and quite a few settlements."

Wyeth was purchased by Pfizer Inc. in 2010. The company has set aside \$772-million for unresolved claims in the United States.

Wyeth Canada Inc., Wyeth Pharmaceuticals Nic., Wyeth Holdings Canada Inc., Wyeth Canada, Wyeth Ayerst International Inc. and Wyeth are all named as defendants.

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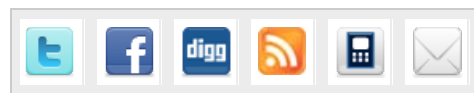
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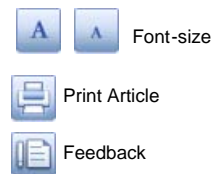
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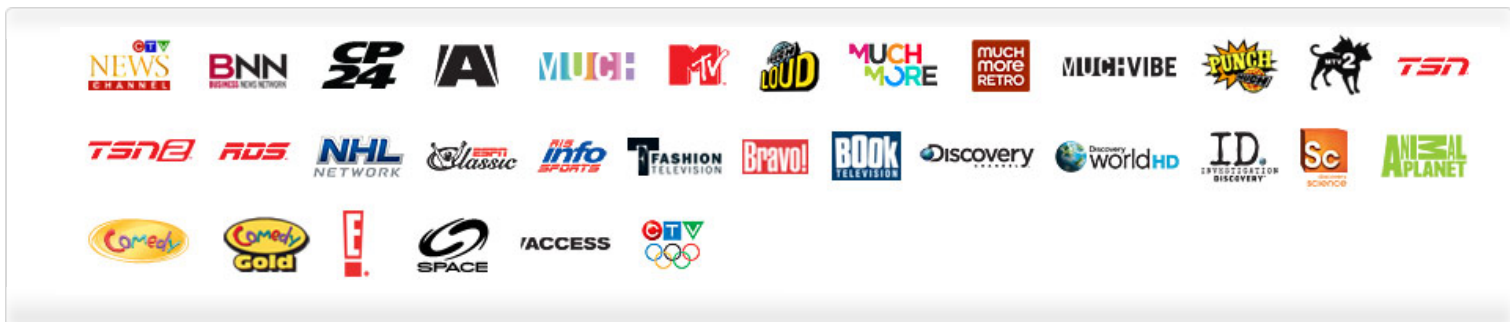
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