

## La. Appeals Court Backs Novartis In Schizophrenia Drug Suit

By **Sindhu Sundar**

*Law360, New York (June 17, 2015, 10:09 PM EDT)* -- A Louisiana state appeals court on Wednesday reversed a lower court's judgment against Novartis Pharmaceutical Corp. in an injury suit over the allegedly serious side effects of its schizophrenia medication Clorazil that a Louisiana man had claimed caused seizures.

The Louisiana Court of Appeal for the Fourth circuit reversed a lower court's decision to grant a partial summary judgment motion by plaintiff Wayland Ezeb, who had argued that an earlier summary judgment decision in the dispute had established certain facts about Novartis' purported liability.

Ezeb's suit had targeted Novartis, as well as Caremark, which had hired a nurse at the hospital where Ezeb was being treated with Clorazil for his paranoid schizophrenia. Caremark had moved for summary judgment in 2008, arguing that its employee had only conveyed information between Ezeb's doctor Patrick Dowling, and a doctor hired by Novartis, Michael Krassner. Caremark won that summary judgment motion, and exited the litigation.

Ezeb then filed a partial summary judgment motion in December, arguing that Caremark's summary judgment motion showed that Novartis, through Krassner, had directly provided dosing information about the drug to Ezeb's doctor Dowling. The trial court then granted his motion in January.

But the appeals court ruled Wednesday that the two defendants are distinct in the litigation and that the claims against them were different, so the trial court's summary judgment ruling involving Caremark could not be applied in assessing Novartis' potential liability in the dispute.

"Caremark's issue was negligence, the issue before the trial court is Novartis' failure-to-warn," the court wrote in its opinion. "Plaintiff failed to offer any evidence with his motion for partial summary judgment that Novartis failed to warn medical professionals and consumers of any dangers of Clorazil."

Ezeb had filed his petition in 1990, making claims against a number of defendants including hospitals and pharmaceutical companies like Sandoz Pharmaceuticals, now known as Novartis, according to the opinion.

He claimed that he experienced serious side effects to Clorazil after being administered an increased dose of the drug. His side effects included seizures and falling into a coma, according to the opinion.

Ezeb is represented by Roger A. Javier of The Javier Law Firm LLC, Jay M. Napolitano & Associates and James Carter & Associates LLC.

Novartis is represented by Kirby T. Griffis and Buffy Mims of Hollingsworth LLP and Joy Braun of Sessions Fishman Nathan & Israel LLC.

The case is Ezeb v. Sandoz Pharm, case number 2015-C-0204, in the Louisiana Court of Appeal, Fourth Circuit.

— Editing by Ben Guilfooy.

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