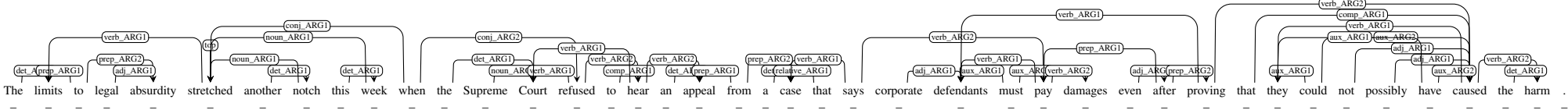
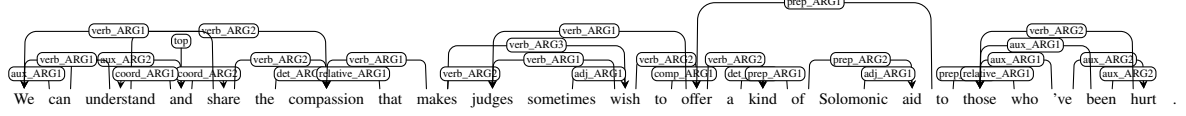


Document 0130

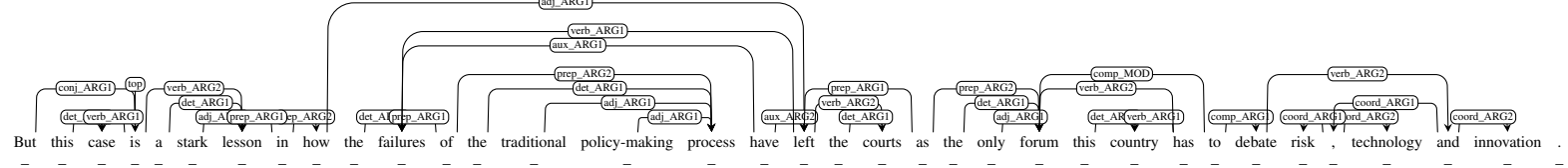
[20130001]



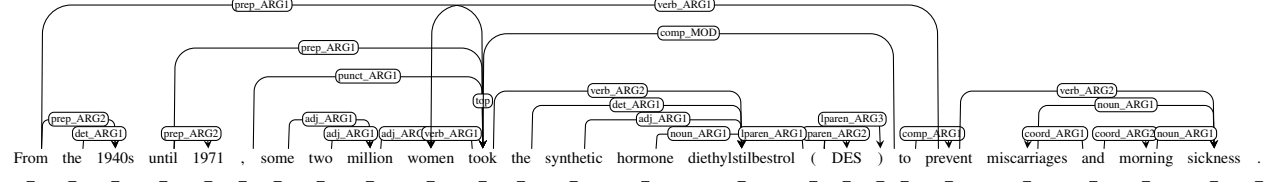
[20130002]



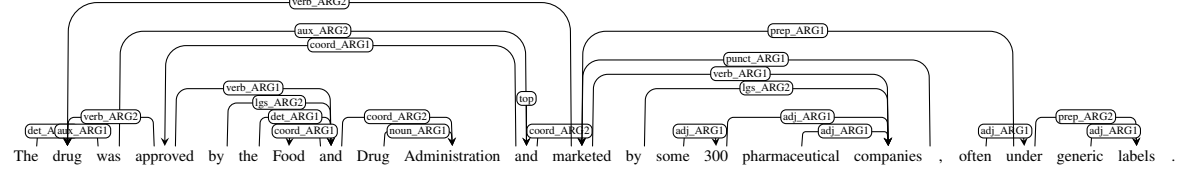
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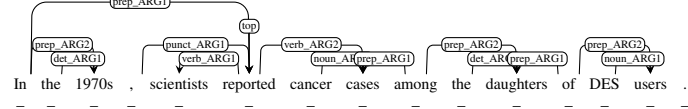
[20130005]



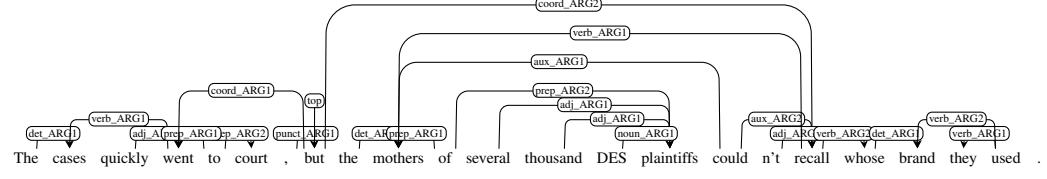
[20130006]



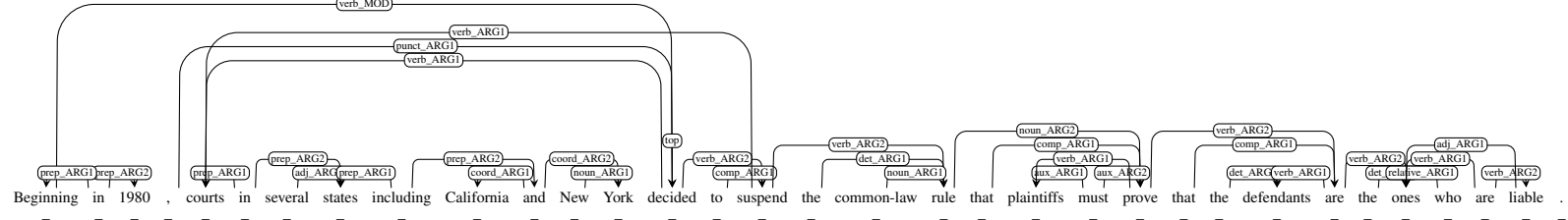
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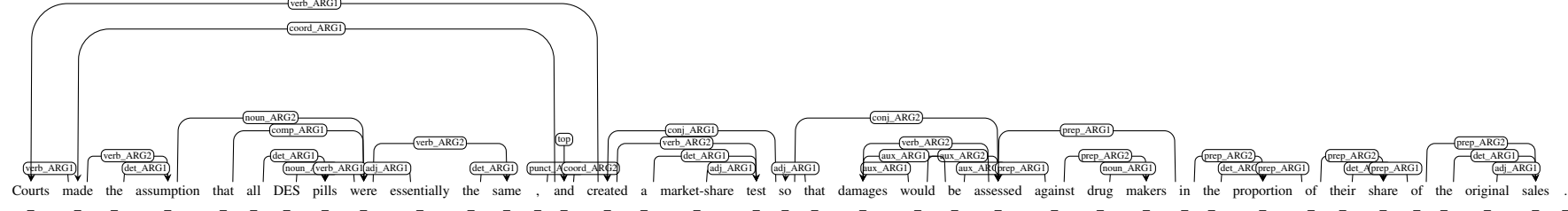
[20130008]



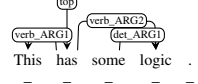
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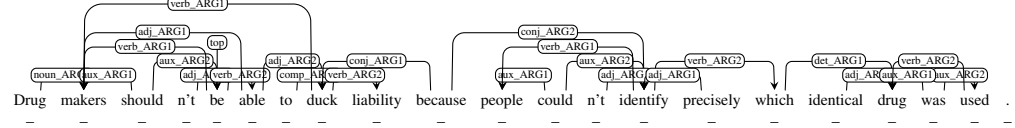
[20130010]



[20130011]



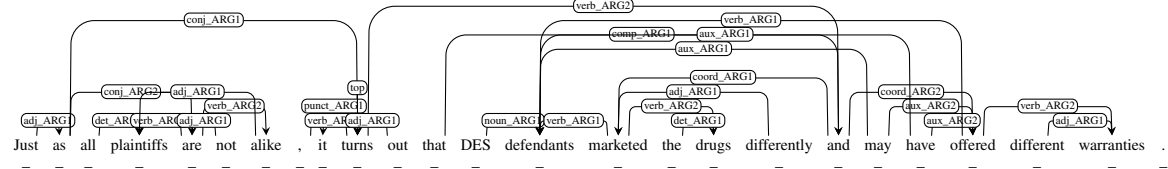
[20130012]



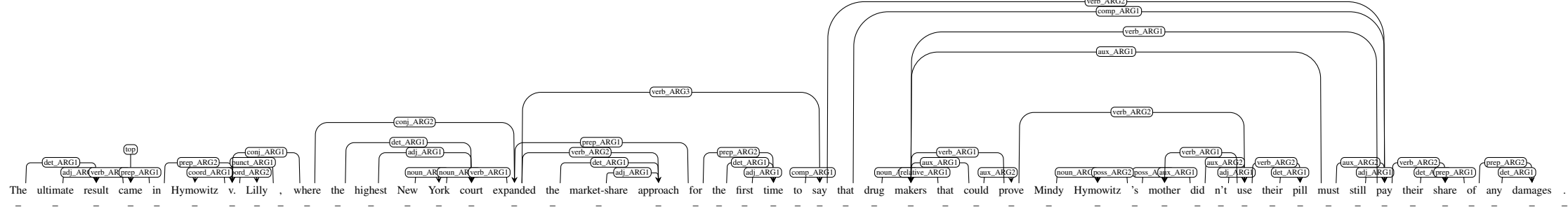
[20130013]



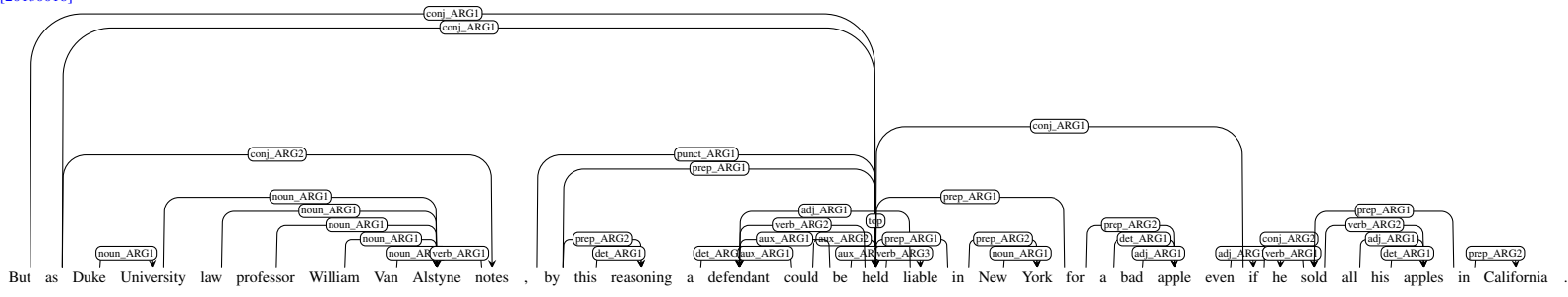
[20130014]



[20130015]

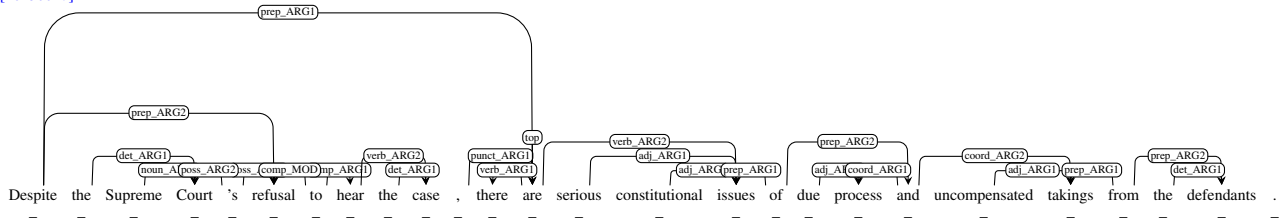


[20130016]



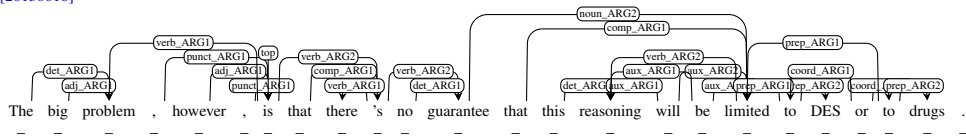
But as Duke University law professor William Van Alstyne notes , by this reasoning a defendant could be held liable in New York for a bad apple even if he sold all his apples in California .

[20130017]



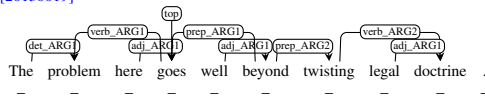
Despite the Supreme Court 's refusal to hear the case , there are serious constitutional issues of due process and uncompensated takings from the defendants .

[20130018]



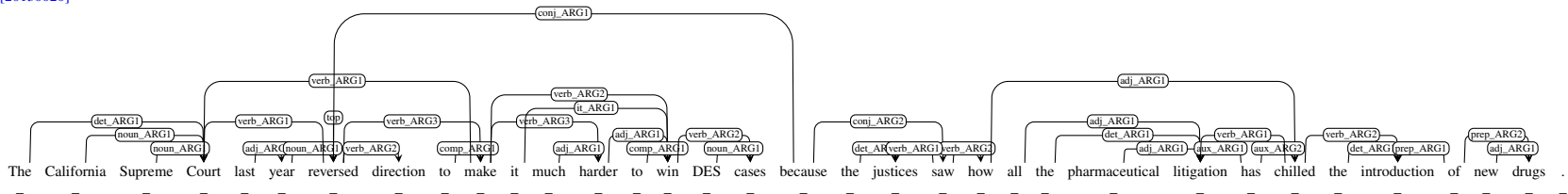
The big problem , however , is that there 's no guarantee that this reasoning will be limited to DES or to drugs .

[20130019]



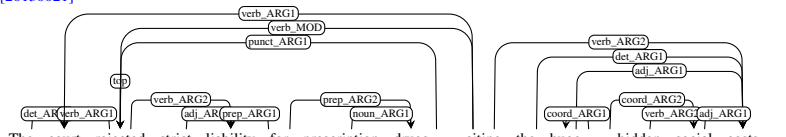
The problem here goes well beyond twisting legal doctrine .

[20130020]



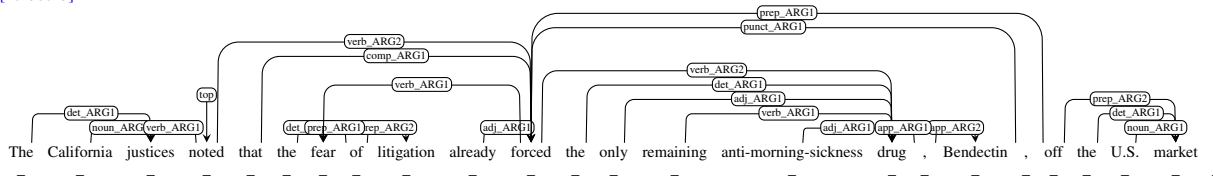
The California Supreme Court last year reversed direction to make it much harder to win DES cases because the justices saw how all the pharmaceutical litigation has chilled the introduction of new drugs .

[20130021]



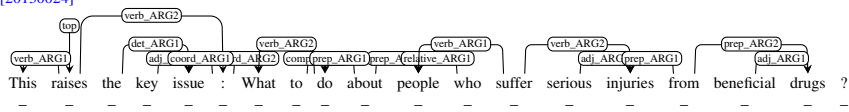
The court rejected strict liability for prescription drugs , citing the huge , hidden social costs .

[20130023]



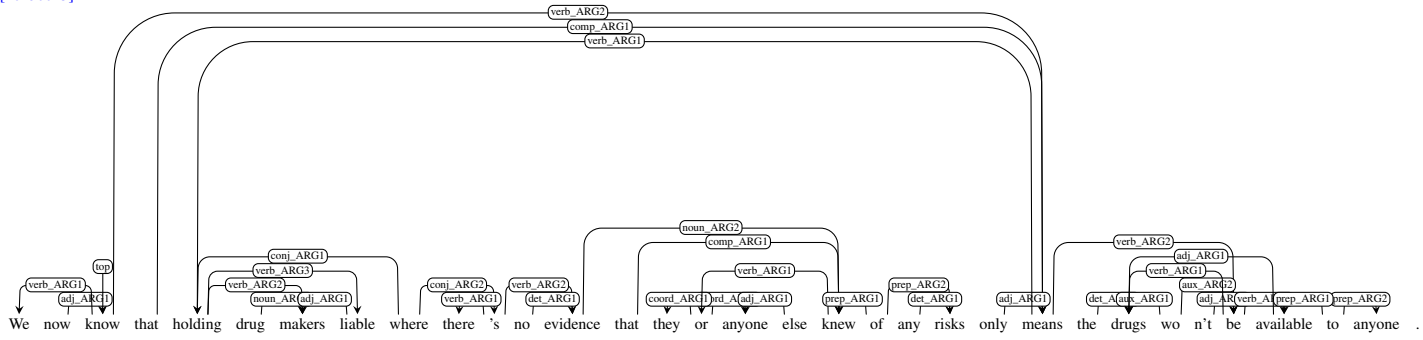
The California justices noted that the fear of litigation already forced the only remaining anti-morning-sickness drug , Bendectin , off the U.S. market .

[20130024]



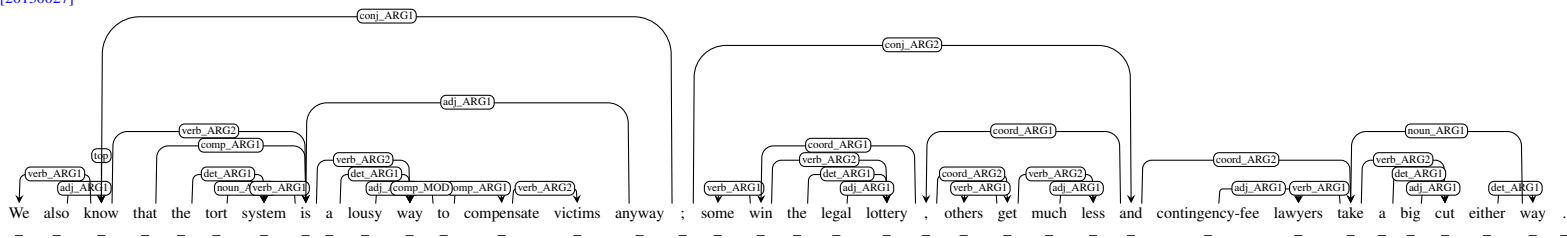
This raises the key issue : What to do about people who suffer serious injuries from beneficial drugs ?

[20130025]



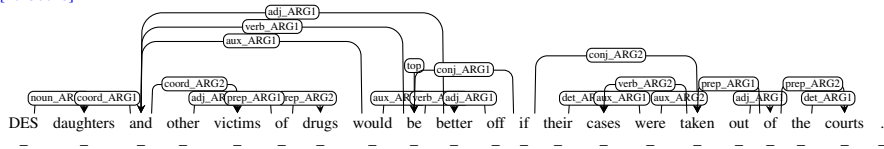
We now know that holding drug makers liable where there 's no evidence that they or anyone else knew of any risks only means the drugs wo n't be available to anyone .

[20130027]



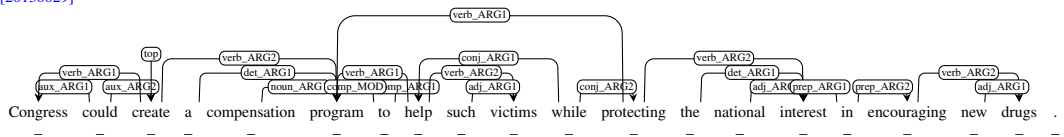
We also know that the tort system is a lousy way to compensate victims anyway : some win the legal lottery , others get much less and contingency-fee lawyers take a big cut either way .

[20130028]



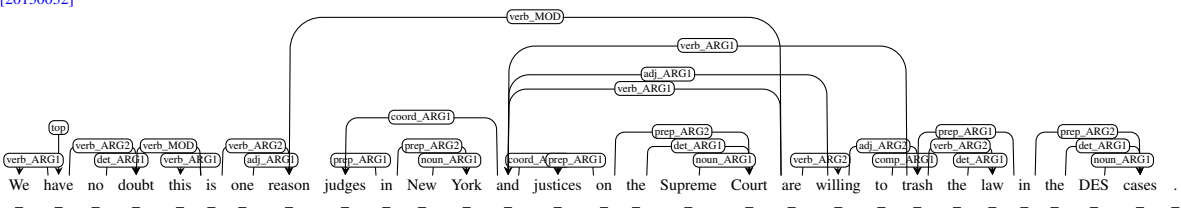
DES daughters and other victims of drugs would be better off if their cases were taken out of the courts .

[20130029]



Congress could create a compensation program to help such victims while protecting the national interest in encouraging new drugs .

[20130032]



We have no doubt this is one reason judges in New York and justices on the Supreme Court are willing to trash the law in the DES cases .

[20130033]

