

GARZA V. BAYER CORPORATION

Hossley ★ Embry, L.L.P. congratulates our client, Helen Garza, for having the courage and persistence to pursue her legal rights and win. Ms. Garza, with assistance from Hossley ★ Embry, recently obtained the largest settlement in the United States—\$4,000,000—of any case arising from the use of the cholesterol-lowering drug known as Baycol.



Ms. Helen Garza

In the spring of 2001 Ms. Garza, age 72, was prescribed .8 mg dosage of Baycol and quickly developed a muscle-wasting disease known as Rhabdomyolysis, which caused severe damage to her kidneys. She was hospitalized and unable to move her limbs. She survived a three-month hospitalization but will be forced to endure kidney dialysis treatments for the remainder of her life.

Jeff Embry, a partner with Hossley ★ Embry, took depositions of Bayer Corporation employees in Connecticut, New York, Philadelphia and Dallas and the trial team reviewed and organized nearly 13,000,000 pages of information in preparation for trial. The evidence showed that Bayer Corporation knew Baycol was causing severe adverse side effects throughout the world at a much higher rate than any similar drug. Nevertheless, Bayer failed to warn physicians and patients regarding the high relative risk. The drug was eventually withdrawn from the United States market in August 2001, but that was too little, too late for Helen Garza. The case settled two weeks prior to trial after Ms. Garza and her family received a personal apology from Bayer Corporation's Chief In-House Counsel.

Bayer (Logo) For use by us distributors and VOLUNT Page _____

MEDICAL PRODUCTS REPORTING PROGRAM

A. Patient Information

1. Patient Identifier HEG	2. Age at time of event or _____ Date of birth: 1-16-28	3. Sex: <input checked="" type="checkbox"/> Female <input type="checkbox"/> Male	4. Weight: ____ lb or ____ kg
-------------------------------------	--	--	--

B. Adverse Event or Product Problem

1. Adverse Event and/or Product problem (e.g. defect, malfunction)

2. Outcomes attributed to adverse event (check all that apply):
 death disability
 life-threatening congenital anomaly
 hospitalization - initial or prolonged required intervention to prevent permanent impairment/damage
 other (please specify) _____

3. Date of event: **unk Start date**
(month/year)

4. Date of this report: **8-2-01**
(month/year)

5. Describe event or problem:
72 year old female had progressive muscle weakness over 2 months. It was proximal went to E.R. 7-6-2001. Ast was 1249. CK was 18,677. MB was 147. Troponin was .6. The patient eventually developed rhabdomyolysis & required dialysis. She is still in dialysis. Biopsy reports: myopathic alterations with denervation atrophy.

Report to F.D.A. by Ms. Garza's physicians

HOSSLEY ★ EMBRY, L.L.P.

313 E. CHARNWOOD
TYLER, TEXAS 75701
903-526-1772

6440 CENTRAL EXPWY.
DALLAS, TEXAS 75206
214-265-1117