



FOR IMMEDIATE RELEASE

September 14, 2022

Media Contact: Glenn Lammi | glammi@wlf.org | 202-588-0302

WLF Asks Second Circuit To Affirm Exclusion Of Unreliable Causation Evidence In Pharmaceutical Case

(Daniels-Feasel v. Forest Pharmaceuticals, Inc.)

“Because Plaintiffs’ experts’ methods are neither testable nor falsifiable, they may not masquerade as scientific knowledge in federal court.”

—Cory Andrews, WLF General Counsel & Vice President of Litigation

WASHINGTON, DC—Washington Legal Foundation (WLF) today asked the U.S. Court of Appeals for the Second Circuit to affirm a federal trial court’s grant of summary judgment in favor of the manufacturer of a leading prescription antidepressant.

The appeal arises from a lawsuit over the FDA-approved drug Lexapro®, an antidepressant therapy in the class of selective serotonin reuptake inhibitors (SSRIs). Plaintiffs are six women who allege that using Lexapro® while pregnant ultimately caused their minor children to develop autism spectrum disorder. Because Plaintiffs adduced no admissible, reliable expert evidence to prove general causation, the district court granted summary judgment for the manufacturer and dismissed Plaintiffs’ claims.

In its *amicus* brief supporting affirmance, WLF rebuts the suggestion that the flaws in Plaintiffs’ experts’ testimony go to the weight that testimony should be given, rather than to its reliability. WLF’s brief also explains why relaxing the reliability threshold for expert evidence of causation in pharmaceutical-liability cases would significantly harm public health. And WLF reminds the court of the facts underlying the Supreme Court’s *Daubert* decision itself, which also involved a beneficial drug (Bendectin) wrongly alleged to have caused harm during in utero exposure.

Celebrating its 45th year; WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.

###