

Press Release



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FOR IMMEDIATE RELEASE

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In WLF Success, Second Circuit Affirms Exclusion Of Unreliable Causation Evidence In Pharmaceutical Case

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

“Today’s ruling ensures unreliable expert evidence may not masquerade as scientific knowledge in federal court.”

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

WASHINGTON, DC—The U.S. Court of Appeals for the Second Circuit today affirmed a federal trial court’s grant of summary judgment for the manufacturer of a leading prescription antidepressant. The decision was a victory for Washington Legal Foundation (WLF), which filed an amicus brief in the case urging affirmance.

The appeal arose from a lawsuit over the FDA-approved drug Lexapro®, an antidepressant therapy in the class of selective serotonin reuptake inhibitors (SSRIs). Plaintiffs were 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 rebutted Plaintiffs’ suggestion that the methodological flaws in their experts’ testimony go to the weight that testimony should be given, rather than to its reliability. WLF’s brief also explained why relaxing the reliability threshold for expert evidence of causation in pharmaceutical-liability cases would significantly harm public health. In a summary order affirming the exclusion of Plaintiff’s causation expert, the Second Circuit panel concluded that without admissible evidence of causation, Plaintiffs could not satisfy their burden and so summary judgment for defendant Forest Pharmaceuticals was proper.

Celebrating its 46th 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.

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