

Judge Orders Talks in DES Case

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BOSTON (AP) - A federal judge in Boston has ordered 14 drug companies into talks that could lead to settlements with 53 women who claim their breast cancer was caused by an anti-miscarriage drug their mothers took decades ago.

U.S. Magistrate Judge Marianne Bowler on Thursday rejected a move by drug manufacturers to exclude testimony from experts for the women who believe there is a link between DES, or diethylstilbestrol (dahy-eth-uhl-stil-bes'-trawl), and breast cancer in DES daughters over age 40. Bowler also ordered the two sides to enter mediation.

The women are suing drug companies who made and promoted DES, a synthetic estrogen, from about 1938 to the early 1970s. The drug was widely prescribed to prevent miscarriages, premature birth and other problems. In 1971, the U.S. Food and Drug Administration told doctors to stop giving it to pregnant women after a study found that taking DES during pregnancy appeared to increase the risk of their daughters developing a rare vaginal cancer.

The drug companies would not say whether they will appeal the ruling.

A spokeswoman for Bristol-Myers Squibb Co. said the company would have no comment. A spokesman for Eli Lilly & Co. repeated a statement contained in the company's annual report: "We believe these claims are without merit and are prepared to defend against them vigorously."

In court and in public documents, the companies have argued that a firm link between DES and breast cancer has not been established and that the DES daughters who are suing them have not shown that the drug caused their cancers.

The drug companies have also argued that the medical community does not generally accept that fetal exposure to DES causes breast cancer.

Aaron Levine, a Washington, D.C., attorney who represents the women, said the drug companies could appeal Bowler's ruling or seek to have the lawsuit dismissed. But he said Bowler's order compels the companies to enter mediation to try to negotiate settlements.

"I think it's an important decision," Levine said. "The judge ruled that our experts' opinions are based on existing science. It's not just some hypothesis or some guess."

Fran Howell, executive director of DES Action USA, an advocacy group based in Jupiter, Fla., said the judge's ruling has given many DES daughters a sense of validation. If the judge had ruled in favor of the drug companies and excluded testimony from the women's experts, the case would have been severely weakened.

"The impact of this is certainly emotional for many of us. It tells us our story isn't over," she said.

Arline MacCormack, a Newton, Mass., woman who is one of the plaintiffs in the lawsuit, was diagnosed with breast cancer at age 44. She said she was pleased by the judge's ruling.

"My hope is that we can get the pharmaceuticals to pay for some research and pay for some education of the medical community so that they know what to look for so they can say, you need to be screened more regularly," she said.

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