

# Court rejects Pfizer appeal of Nigerians' lawsuits

Press Published: June 29, 2010 9:20 AM CDT Updated: June 29, 2010 11:40 AM CDT

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WASHINGTON (AP) — The Supreme Court is staying out of a dispute between Nigerian families and Pfizer, Inc., over the drug maker's use of a new antibiotic on children during a deadly outbreak of meningitis in the mid-1990s.

The justices on Tuesday rejected the pharmaceutical giant's appeal of a court ruling that allowed the lawsuits filed by the Nigerians in U.S. courts to go forward. The families allege that Pfizer violated international law against involuntary medical experimentation when it tested the drug, Trovan. The company failed to get the informed consent of the children or their parents, or to tell them that the drug had not been approved for use in children, the lawsuits say.

The lawsuits say the two-week experiment on 200 sick children led to 11 deaths and left many others blind, paralyzed or brain-damaged. Pfizer denies all the allegations and claims the survival rate for children who took Trovan exceeded the survival rate of those who did not take part in the study.

At issue was whether the Nigerians can sue under the Alien Tort Statute, an 18th century law that allows foreigners to sue in U.S. courts over international law violations. The 2nd U.S. Circuit Court of Appeals in New York said they can.

The Obama administration recommended that the justices stay out of the case, saying that other unresolved legal issues could end the lawsuits.

Pfizer said Tuesday it was disappointed with the high court order, but noted it still might win dismissal of the lawsuits on other grounds.

Pfizer has separately paid \$75 million to Nigerian authorities to settle claims related to the testing.

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Trovan was

approved by the U.S. Food and Drug Administration in December 1997.

However, after receiving reports of liver problems associated with long-term use of the drugs, the FDA in 1999 advised doctors to limit Trovan use to patients whose need outweighs those risks.

Chief Justice John Roberts, who owns Pfizer stock, and Justice Sonia Sotomayor, who was a judge on the appeals court when the case was decided, did not take part in the court's consideration of the case.

The case is Pfizer v. Abdullahi, 09-34.