



## CAPTION

Patsy Lance, Administratrix for the Estate  
of Catherine Ruth Lance, Deceased, Appellee

v.

Wyeth, formerly known as American Home  
Products Corporation, Appellant

## CASE INFORMATION

Initiating Document: Order Granting Petition for Allowance of Appeal

Case Status: Active

Journal Number:

Case Category: Civil Case Type(s): Tort

## CONSOLIDATED CASES

## RELATED CASES

Docket No / Reason	Type
18 EAP 2011 Court Order	Consolidated

## COUNSEL INFORMATION

Attorney: Friedrich Wilhelm W. Sachse, Esq.  
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Address: 2929 Arch St  
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Phone No: (215) 994-2496

Representing: Wyeth, Appellant

Pro Se: No

IFP Status:

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Dechert LLP

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Phone No: (215) 994-4000

Representing: Wyeth, Appellant

Pro Se: No

IFP Status:

Attorney: Judy L. Leone, Esq.  
Dechert LLP

Address: 2929 Arch St  
Philadelphia, PA 19104

Phone No: (215) 994-2979

Representing: Wyeth, Appellant

Pro Se: No

IFP Status:



**COUNSEL INFORMATION**

Attorney: Howard Jonathan Bashman, Esq.

Address: 2300 Computer Ave Ste G 22  
Willow Grove, PA 19090

Phone No: (215) 830-1458

Representing: Lance, Patsy, Appellee

Pro Se: No

IFP Status:

Attorney: Tobias Lael Millrood, Esq.  
Pogust, Braslow & Millrood, L.L.C.

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Phone No: (610) 941-4204 x:109

Representing: Lance, Patsy, Appellee

Pro Se: No

IFP Status:

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 17 EAP 2011

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March 15, 2011

## SUPREME COURT INFORMATION

Appeal From: the Judgment of Superior Court entered on 08/02/2010 at No 2905 EDA 2008, ( ReArgument Denied on 10/01/2010) Affirmeing in part Reversing in part, and Remanding in part the Judgment of Sentence entered on 09/19/2008 in the Court of Common Pleas, Philadelphia County, Civil Division at No. 000926, November Term 2006

## Probable Jurisdiction

Noted:

Docketed Date: March 15, 2011

Allocatur Granted: March 15, 2011

Allocatur Docket No: 600 EAL 2010

Allocatur Grant Order: AND NOW, this 15th day of March 2011, these Cross Petitions for Allowance of Appeal are GRANTED and CONSOLIDATED. For purposes of briefing and argument, petitioner in No. 600 EAL 2010, Wyeth, shall be listed as appellant, and petitioner in No. 610 EAL 2010, Patsy Lance, shall be listed as cross-appellant.

The issues in No. 600 EAL 2010, as stated by petitioner/appellant Wyeth are:

- (1) Whether the Superior Court erred in creating a new claim for negligent design defect of a prescription drug, despite Plaintiff-Respondent Patsy Lance's repeated waiver of that claim?
- (2) Whether the Superior Court's creation of a new cause of action for negligent design defect conflicts with this Court's settled precedent limiting product liability claims against manufacturers and sellers of prescription drugs?
- (3) Whether the Superior Court's creation of a new cause of action for negligent design defect should properly be argued before this Court because it may affect hundreds or thousands of cases and ignores that: (a) plaintiffs in design defect cases must plead and prove a feasible alternative design; and (b) there should be deference to regulatory authorities?

The issues in No. 610 EAL 2010, as stated by petitioner/cross-appellant Lance are:

- (1) Did the Superior Court err in holding, in an acknowledged conflict with the U.S. Court of Appeals for the Third Circuit's prediction of Pennsylvania law, that Pennsylvania law would not recognize a claim against a prescription drug manufacturer for negligent failure to test to discover a prescription drug's actual harmful side-effects?
- (2) Did the Superior Court err in holding that Pennsylvania law would not recognize claims against a manufacturer of a prescription drug, which the federal Food and Drug Administration ultimately ordered withdrawn from the market as too dangerous for any potential users, for negligently marketing that drug and for negligently failing to withdraw that drug from the market?

## FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
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## INTERMEDIATE APPELLATE COURT INFORMATION

Court Name:	Superior	Docket Number:	2905 EDA 2008
Date of Order:	August 2, 2010	Rearg/Recon Disp Date:	October 1, 2010
		Rearg/Recon Disposition:	
Judge(s):	Stevens, Correale F. Gantman, Susan Peikes Allen, Cheryl Lynn		
Intermediate Appellate Court Action:	Affirmed/Reversed/Remanded		
Referring Court:			

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

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## AGENCY/TRIAL COURT INFORMATION

Court Below: Philadelphia County Court of Common Pleas  
 County: Philadelphia Division: Philadelphia County Civil Division  
 Date of Agency/Trial Court Order: September 19, 2008  
 Order Type: Judgment  
 OTN(s):  
 Lower Ct Docket No(s): November Term, 2006 - No. 000926  
 Lower Ct Judge(s): Tereshko, Allan L.  
 Judge

## ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
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## Record Remittal:

## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
March 15, 2011	Allocatur Granted		Per Curiam

## Comments:

AND NOW, this 15th day of March 2011, these Cross Petitions for Allowance of Appeal are GRANTED and CONSOLIDATED. For purposes of briefing and argument, petitioner in No. 600 EAL 2010, Wyeth, shall be listed as appellant, and petitioner in No. 610 EAL 2010, Patsy Lance, shall be listed as cross-appellant.

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- (1) Whether the Superior Court erred in creating a new claim for negligent design defect of a prescription drug, despite Plaintiff-Respondent Patsy Lance's repeated waiver of that claim?
- (2) Whether the Superior Court's creation of a new cause of action for negligent design defect conflicts with this Court's settled precedent limiting product liability claims against manufacturers and sellers of prescription drugs?
- (3) Whether the Superior Court's creation of a new cause of action for negligent design defect should properly be argued before this Court because it may affect hundreds or thousands of cases and ignores that: (a) plaintiffs in design defect cases must plead and prove a feasible alternative design; and (b) there should be deference to regulatory authorities?

The issues in No. 610 EAL 2010, as stated by petitioner/cross-appellant Lance are:

- (1) Did the Superior Court err in holding, in an acknowledged conflict with the U.S. Court of Appeals for the Third Circuit's prediction of Pennsylvania law, that Pennsylvania law would not recognize a claim against a prescription drug manufacturer for negligent failure to test to discover a prescription drug's actual harmful side-effects?
- (2) Did the Superior Court err in holding that Pennsylvania law would not recognize claims against a manufacturer of a prescription drug, which the federal Food and Drug Administration ultimately ordered withdrawn from the market as too dangerous for any potential users, for negligently marketing that drug and for negligently failing to withdraw that drug from the market?

## CROSS COURT ACTIONS



**CROSS COURT ACTIONS**

Docket Number:	18 EAP 2011
Docket Number:	202 ET 2010
Docket Number:	2905 EDA 2008
Docket Number:	600 EAL 2010
Docket Number:	610 EAL 2010