



Judge Refuses to Dismiss First Vioxx Lawsuit

The lawsuit against Merck, the manufacturer of Vioxx, will proceed to trial in May.

Montgomery, AL ([PRWebDirect](#)) May 2, 2005 -- On April 26th, the honorable Judge Rochester ruled against a defense petition to dismiss a [Vioxx lawsuit](#) filed by Beasley Allen on behalf of Cheryl Rogers (Circuit or State Court of Clay County in Ashland, Ala, case number CV 03-073, Cheryl Rogers V. Merck).

The suit was filed in August 2003 in Ashland, AL by [Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.](#) on behalf of Cheryl Rogers, the widow of Howard Brad Rogers. The lawsuit contends that Mr. Rogers, a 42-year-old ambulance dispatcher, died from a heart attack on September 4th, 2001, after taking Vioxx for shoulder pain. This case, the country's first involving Vioxx, is slated to go to trial on May 23rd.

Merck had asked the Court to dismiss the lawsuit, contending that Mr. Rogers, who died of a heart attack after being prescribed Vioxx, never took the drug. Lawyers for Beasley Allen disputed Merck's claims and said that they had evidence that Mr. Rogers took the drug before he died.

Jere Beasley, attorney for Cheryl Rogers responded, "The Order was exactly as we expected. Merck's Motion to Dismiss lacked foundation and they had to know it. It was a ploy to discredit our client, a grieving widow and single mother. We have always believed this case to be a strong one and when the jury learns how truly bad Merck's conduct has been, I am convinced they will want to punish the company. We anticipate a jury returning a large verdict. We know from Brad Rogers' medical records that he was prescribed Vioxx and that he was taking it. An autopsy proved that the drug caused his death. We will now have the opportunity to prove our case in the courtroom before a Clay County, Alabama jury."

According to a motion recently filed by Beasley Allen, Merck violated a protective order by disclosing personal and confidential information to the news media related to Cheryl Rogers and her deceased husband. In addition, the motion cites Merck has violated provisions of HIPAA by disclosing personal medical information pertaining to Mr. Rogers. The motion requests that the court vacate its protective order as it relates to documents produced by Merck.

"Releasing Merck's documents would serve the public interest by exposing its wrongful conduct over the years." Beasley adds. "Clinical tests have proven Vioxx is and was a dangerous drug. It has killed literally thousands of unsuspecting victims who trusted the company and who had no idea that [Vioxx](#) caused heart attacks and strokes."

Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. has been in the forefront of the effort to have all of the cyclooxygenase-2 (COX-2) inhibitors ([Bextra](#), [Celebrex](#) and [Vioxx](#)) taken off the market since the law firm took on its first case against Merck more than four years ago. Beasley Allen is spearheading the review of over 31,000 claims against the manufacturers of Bextra, Celebrex, and Vioxx, having filed over 160 cases to date.

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