



Davis Graham & Stubbs LLP

PRESS RELEASE

For Immediate Release

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Davis Graham & Stubbs Attorneys Offer New Insights in Prescription Drug Litigation

Denver, Colorado – February 6, 2007 – Davis Graham & Stubbs attorneys **Jeff Pilkington** and **Shannon Stevenson** recently published an article that addresses key issues in personal injury lawsuits involving prescription drugs. The article, “Whose Label Is It Anyway? Liability for Injuries Caused by Generic Prescription Drugs,” appears in the Winter 2007 issue of *In-House Defense Quarterly*, published by the Defense Research Institute. Historically, injured plaintiffs have asserted claims against the manufacturer whose drug was ingested. This historical approach is changing in the “generic drug only” cases – cases in which the injured plaintiff ingested only the generic drug, but not the innovator drug. In such cases, injured plaintiffs are now asserting claims against both the innovator and generic manufacturer. These novel claims against the innovator are based on alleged fraudulent and negligent representations contained in the product’s label. This article answers the question “Whose Label Is It Anyway?” by outlining the relevant FDA regulations, arguments and case law.

Pilkington is a partner and Stevenson is an associate in the DGS Products Liability group.

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