

LAWYERS OF THE YEAR

Sean Tracey: Won first Paxil birth defect case

By Justin Rebello

The first case out of over 600 in the multi-district litigation against GlaxoSmithKline over allegations that the antidepressant Paxil causes an increased risk of birth defects ended in a victory for the plaintiff.

Sean Tracey, who practices at the Tracey Law Firm in Houston, triumphed over the drug maker in the case, representing the family of a three-year-old Pennsylvania boy who was born with a defect in his aorta that restricted blood flow to his lungs.

The defect allegedly stemmed from his mother's use of Paxil in 2005 when she was pregnant. The lawsuits arose after a 2005 study conducted by GSK that linked Paxil with birth defects.

Tracey, whose firm is cur-

rently representing plaintiffs in between 30 and 35 similar suits, said the primary challenge of the cases has been the differences in the types of defects found in the children.

"They basically run the gamut," he said.

But they do have one factor in common, Tracey said. The child in "almost every one of my cases has an atrial and ventricular septal defect."

In the case of Lyam Kilker, whose family won the \$2.5 million suit in October, a portion of his aortic arch that is necessary to supply blood to the lungs to be oxygenated was missing. The child has already undergone two open-heart surgeries to repair the defect.

"Since it was the first case, the major challenge was making sure we put



together the story of what happened to this little boy in a way that was easy to understand," Tracey said.

He accomplished this by culling together nearly three million company memos, including one that

said to cease any further study on Paxil after animal testing found it to be causing defects.

A native of Indianapolis, Tracey earned his law degree from the South Texas College of Law.