Phila. law firm files suit in a heparin case

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A Philadelphia law firm filed suit yesterday against the health-care company Covidien Inc., alleging that it had supplied tainted doses of the blood thinner heparin to a Missouri retiree who died as a result of allergic reactions to the drug.

The lawsuit, filed in federal district court in Boston, alleged that the company waited weeks to recall the tainted heparin after other suppliers had conducted their own recalls.

"Public and medical professionals need to be extremely cautious," said Jeffrey Killino, the attorney who filed the wrongful-death lawsuit. "This case demonstrates that recalled heparin is still in circulation, and that there may be more deaths around the country linked to it."

The lawsuit says that Freddie James Williams Sr., 67, a retired Missouri transportation worker, died from allergic reactions to tainted heparin on the day the company announced its recall, March 28.

Over a period of several months, the lawsuit said, Williams suffered nausea, vomiting, excessive sweating, and low blood pressure as a consequence of the drug.

David Young, a spokesman for Covidien, which is based in Mansfield, Mass., declined to comment on the lawsuit. The suit was filed in Boston because the federal courts there have jurisdiction in the case.

Health authorities began to focus on heparin late last year, when reports emerged in Missouri of extreme allergic reactions among a handful of adult and pediatric dialysis patients.

Covidien is accused of supplying tainted doses to a Missouri man who died.

A nationwide alert eventually uncovered hundreds of other cases, triggering a probe by the federal Food and Drug Administration. The FDA traced the problem to tainted batches of heparin's active ingredient, produced at a plant in Changzou, China. The plant is operated by Scientific Protein Laboratories L.L.C.

So far, much of the focus has been on Baxter International Inc., which supplies about half the heparin used in the United States through its Cherry Hill plant. Scientific Protein Laboratories supplied the active ingredient for both Baxter and Covidien.

The FDA concluded that heparin had been contaminated with an over-the-counter dietary supplement and that scores of patients in the United States had died.

Killino said that Williams, the father of 11, never received a recall notice or any warning about the drug's potential danger, even after federal health officials began issuing general warnings in January and other suppliers of heparin began recalling their supplies around the same time.

"Why did it take them [Covidien] two months to figure it out?" asked Killino, a partner in the law firm of Woloshin & Killino P.C.

Killino has pursued other high-profile product-liability cases in the last year. He filed suit against the North Jersey distributor of Chinese-made tires that became the subject of a massive recall. He alleged in the lawsuit that safety defects in the tires caused an August 2006 accident on the Blue Route that claimed the lives of two construction workers and left a third severely brain damaged.

Their van rolled over when a tire blew.

He also filed a class-action lawsuit against Mattel Inc., demanding payment for the testing and treatment of children who might have been harmed by lead-contaminated toys made in China.