Supreme Court Amicus Brief Filed Opposing Lawsuit Protection for Manufacturers of Defectively Designed Vaccines

The mother of a previously healthy 20 year old woman found dead four days after receiving the Gardasil vaccine has filed an amicus brief in a United States Supreme Court case where the Court has been asked to bar lawsuits against manufacturers of defectively designed vaccines. The mother argues that if the Court were to bar such lawsuits, manufacturers would have a lessened incentive to produce a safe vaccine and public trust in the safety of all vaccines would erode.

Sarasota, FL (PRWEB) June 16, 2010 -- The mother of a previously healthy 20 year old woman found dead four days after receiving the Gardasil vaccine has filed an amicus brief in the case of Bruesewitz v. Wyeth, Inc. currently pending before the United States Supreme Court. The mother’s brief argues that if the Supreme Court were to bar lawsuits against a manufacturer of a defectively designed vaccine, as they have been asked to do, justice would be denied her daughter and others harmed by defective vaccines. As of May 2010, a total of six families have filed claims for compensation for the deaths of their daughters after receipt of the Gardasil vaccine.

An amicus brief is often filed by those affected by the outcome of an appeal, but not a party to the appeal itself. The Bruesewitz case in which the amicus brief was filed involves a healthy six-month-old girl that suffered permanent catastrophic injuries hours after receiving a version of the DTP vaccine. The girl’s parents allege that, at the time that she received the vaccine, the manufacturer already knew how to manufacture a much safer alternative, but delayed doing so as the safer vaccine was more expensive.

A lower court dismissed the Bruesewitz case on federal preemption grounds, finding that federal law expressly preempts all liability from the defective design of a vaccine. In so doing the lower court relied on federal law stating "No vaccine manufacturer shall be liable in a civil action for damages arising from a vaccine-related injury or death... if the injury or death resulted from side effects that were unavoidable even though the vaccine was properly prepared and was accompanied by proper directions and warnings." The lower court interpreted that language as providing that all side effects from vaccines were "unavoidable," and thus all lawsuits for defectively designed vaccines were barred.

The Supreme Court is likely to hear oral arguments on the Bruesewitz case this fall. This is an extremely important issue with grave ramifications. If manufacturers have absolute immunity for a defectively designed vaccine, their incentive to produce a safe vaccine is greatly lessened. Public safety will be threatened. Public trust in the safety of vaccines will be sharply eroded.

In addition to the mother of the deceased young woman, the amicus brief was also filed on behalf of the Vaccine Injured Petitioners Bar Association and the George Washington University Law School Vaccine Injury Clinic. Bruesewitz is case number 09-152 on the United States Supreme Court docket. The amicus brief is available for download at www.mctplaw.com.

###

PRWeb ebooks - Another online visibility tool from PRWeb
Contact Information
Altom M. Maglio
Maglio Christopher Toale & Pitts Law Firm
http://www.mctplaw.com
888-952-5242

Online Web 2.0 Version
You can read the online version of this press release here.