

STATE OF VERMONT  
WASHINGTON COUNTY, SS

FILED

2009 SEP -3 P 2: 07

SUPERIOR COURT  
WASHINGTON COUNTY

STATE OF VERMONT

Plaintiff,

v.

PFIZER INC.

Defendant.

SUPERIOR COURT

DOCKET No. 660-9-09 Wncw

**COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF**

1. Attorney General William H. Sorrell, on behalf of the State of Vermont, brings this civil action in the public interest against Defendant PFIZER, INC., a Delaware corporation, for violating the Vermont Consumer Fraud Act, 9 V.S.A. §§ 2451-66, and alleges as follows:

**PARTIES**

2. Plaintiff is the State of Vermont, represented by Attorney General William H. Sorrell, who brings this action in the public interest pursuant to the authority granted under the Vermont Consumer Fraud Act, 9 V.S.A. §§ 2451-2466 (hereinafter, Consumer Fraud Act).

3. Defendant Pfizer, Inc., ("Pfizer" or "Defendant"), is a Delaware corporation with its principal place of business in New York. Pfizer transacts business in the State of Vermont by advertising, soliciting, selling, promoting and distributing prescription drugs, including

Geodon®, to consumers in the State of Vermont and nationwide. The violations of law alleged herein have been and are being carried out within Vermont.

### **JURISDICTION AND VENUE**

4. This Court has jurisdiction over this action pursuant to 9 V.S.A. §2458(a) of the Consumer Fraud Act, which authorizes the Attorney General to seek an injunction from this court to restrain or prevent violations of the Consumer Fraud Act, 9 V.S.A. §2453.

### **BACKGROUND**

5. Geodon belongs to a class of drugs traditionally used to treat schizophrenia and commonly referred to as “atypical antipsychotics.” When these drugs were first introduced to the market in the 1990s, it was hypothesized that they might be used as long-term treatment for schizophrenia without posing the same risks as first-generation antipsychotics.

6. While these drugs may reduce some risks associated with first-generation antipsychotics, they also produce dangerous side effects, including weight gain, hyperglycemia, diabetes, cardiovascular complications, and other severe conditions.

7. Geodon was first approved by the Food and Drug Administration (“FDA”) for the treatment of schizophrenia in February, 2001. Since then, the FDA has approved various formulations of Geodon for the treatment of acute agitation in schizophrenic patients requiring rapid treatment, the treatment of acute manic or mixed episodes in Bipolar I Disorder, and/or the treatment of both schizophrenia and bipolar disorder.

### **DEFENDANT'S COURSE OF CONDUCT**

8. Pfizer not only began to market Geodon to health care professionals for the treatment of schizophrenia in 2001, it also marketed Geodon for a number of uses for which it was not approved by the FDA. For example, Pfizer illegally promoted Geodon for a variety of off-label purposes including, but not limited to, for use in pediatric patients and for higher than FDA-approved dosages.

9. Through all of the company's efforts to promote Geodon for uses for which it was not approved by the FDA, Pfizer misrepresented the drug's safety and effectiveness.

### **VIOLATIONS OF LAW**

10. The allegations contained in paragraphs 1-9 are incorporated herein by reference.

11. The Defendant, in the course of advertising, soliciting, selling, promoting and distributing the prescription drug Geodon, has engaged in a course of trade or commerce which constitutes unfair or deceptive acts or practices, and is therefore unlawful under 9 V.S.A. §§ 2451 et seq., by misrepresenting Geodon's safety and efficacy.

### **PRAYER FOR RELIEF**

WHEREFORE, the plaintiff prays that this honorable Court enter an Order:

A. Issuing a permanent injunction prohibiting Defendant, its agents, employees, and all other persons and entities, corporate or otherwise, in active concert or participation with any of them, from engaging in unfair or deceptive acts or practices;

B. Ordering Defendant to pay all costs for the prosecution and investigation of this action, as provided by 9 V.S.A. §2458(b);

C. Ordering Defendant to pay civil penalties of \$10,000 each and every violation

of 9 V.S.A. §§ 2451 et seq.; and

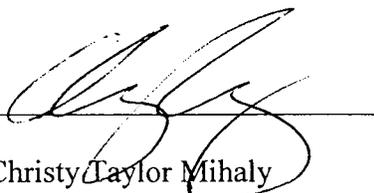
D. Granting such other and further relief as the Court deems equitable and proper.

Dated: September 2, 2009

Respectfully submitted,

STATE OF VERMONT  
WILLIAM H. SORRELL  
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