

T for Texas

Friday, August 26, 2011

A couple of Texas Supreme Court developments of interest. (1) the court reversed the adverse Vioxx decision in Garza - holding that the plaintiffs did not provide sufficient epidemiological evidence in a low dose case. A copy of the opinion, which requires two epidemiological studies showing a relative risk of 2 or more, is available [here](#).

We've [blogged before](#) about the adverse Centocor, Inc. v. Hamilton, 310 S.W.3d 476 (Tex. App. 2010), decision allowing a direct-to-consumer exception to the learned intermediary rule - and made it #4 on our [botton-ten worst decisions](#) for 2010. Bexis also wrote an amicus brief in the case. Well, today's [order list](#) (look for "cases granted") includes the Texas Supreme Court's grant of the long-pending appeal in Hamilton. That's a very good sign for getting rid of the only non-New Jersey decision allowing a DTC exception.