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Suit Alleges Tainted Heparin Caused Death

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Of the Legal Staff

A Philadelphia attorney filed a lawsuit Monday against Tyco Healthcare on behalf of the family of a Missouri man who died after allegedly suffering adverse reactions to tainted heparin that originated in China.

Jeffrey B. Killino of Woloshin & Killino said his work in filing suits over several other defective Chinese products, including light truck tires and lead toys, led the family of Freddie James Williams Sr. to contact him about whether they had a potential claim.

After a few weeks of research, Killino filed a wrongful death and survival action in the U.S. District Court for the District of Massachusetts, where Tyco Healthcare is based, alleging claims of strict liability, negligence, breach of warranty and fraud.

The suit, *Williams v. Tyco Healthcare*, was also brought against a joint venture between a U.S. and a Chinese company that supplied the crude heparin to Tyco to manufacture lock flushes that are used to clean out IVs.

The U.S.-based company was Scientific Protein Laboratories in Wisconsin. Techpool Bio-Pharma was the Chinese-based portion of the joint venture.

Killino said Williams, who died March 28 at 67, was in and out of the hospital several times between November 2007 and his death. He was admitted for stomach pain, vomiting, low blood pressure, shortness of



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breath and several other symptoms. His doctors were unable to determine what was causing the symptoms. It turned out the cause was an allergic reaction to the tainted heparin and an autopsy showed Williams asphyxiated on his own vomit, Killino said.

Tyco Healthcare was one of several companies that supplied the tainted heparin lock flushes, and happened to be the company who supplied Williams his heparin syringes, he said.

There were three companies who had recalled their heparin products — starting

on Jan. 17 — after the Centers for Disease Control alerted the FDA on Jan. 9 about the potential danger of the heparin. The final recall from those three companies was on March 21, according to the complaint.

Tyco Healthcare didn't recall its heparin products until March 28, the day Williams died, according to court documents. Killino said that was a "major delay" in the recall and questioned why the company wasn't more proactive given the four prior recall notices from three other companies. He said Williams' family still has several of the heparin syringes.

Killino said no one has contacted the Williams family to ensure those syringes were discarded. While he agreed it was a voluntary recall and Tyco has no legal responsibility to ensure the syringes were thrown away, he said that is the problem with the system.

According to Killino, the FDA is investigating 81 other deaths that have been linked to tainted heparin, not including Williams' case. He said he thinks this is the first suit filed in the matter. It was filed on behalf of Williams' estate, its administratrix and his wife Joyce Ann Williams and their 11 children.

A spokesman for Covidien, the operating name of Tyco Healthcare, said the company does not comment on pending litigation.

"We're working closely with the FDA and our customers and our supplier to address heparin supply issues," the spokesman said. •