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**Houston Attorney Testifies Before Senate Judiciary Committee on the Effect of Preemption Doctrine on Drug Claims**

*Williams Kherkher Lawyer Tells Congress How the FDA's Aggressive Policy on Preempting Private Claims Has Been Used to Take Away Injured Citizens' Days in Court*

HOUSTON, TX (September 13, 2007) – Williams Kherkher Hart Boundas, LLP, announced today that Collyn Peddie, a Williams Kherkher attorney, testified on Wednesday before the U.S. Senate Judiciary Committee. Peddie presented testimony about how thousands of injured persons' rights are being eliminated because of the way the FDA and trial and appellate courts are using and interpreting the preemption doctrine.

“Increasingly, those injured by prescription drugs are seeing their right to seek compensation in court eliminated by the preemption doctrine,” Peddie told Senate committee members. The preemption doctrine refers to the way federal law may trump a conflicting or parallel state law. In the case of lawsuits for defective drugs, such as Merck's Vioxx, which was recalled in 2004, plaintiffs are having their claims dismissed without trial because judges are expanding the preemption doctrine far beyond what Congress' originally intended. Peddie testified that the public is increasingly put at risk by dramatic drops in FDA enforcement of its own safety regulations, but increasingly has no right to complain or seek compensation when they are hurt.

“We are representing several otherwise healthy people who became seriously injured as a result of taking Vioxx. Now, many of them may not have their day in court because of this issue.” Peddie recommended a number of solutions to the problem, including making any preemptive language in future legislation concerning the FDA or pharmaceutical drugs far more restrictive and increasing congressional oversight over the FDA.

A copy of her full testimony is available at [http://judiciary.senate.gov/testimony.cfm?id=2935&wit\\_id=6643](http://judiciary.senate.gov/testimony.cfm?id=2935&wit_id=6643)

**About Williams Kherkher**

Williams Kherkher is one of Texas' largest litigation firms. Most notably, we were one of five firms that represented the state of Texas against the tobacco industry, which resulted in one of the largest settlements in American history. To learn more about how successfully we represent our clients, please call (713) 230-2200; or, you can visit us at [www.williamskherkher.com](http://www.williamskherkher.com).

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