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# Minnesota becomes latest to sue Lilly over Zyprexa

Minnesota becomes the latest state to sue drug maker Eli Lilly over Zyprexa

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NEW YORK (Associated Press) - Minnesota has joined a long line of states aiming to wrangle money from Eli Lilly and Co. with a lawsuit over the drugmaker's top seller, the anti-psychotic Zyprexa.

The state attorney general's office filed a complaint in federal court last week echoing claims of other lawsuits that say Lilly downplayed the drug's side effects and marketed it for uses not approved by federal regulators.

Lilly has spent more than \$1.1 billion since 2005 to settle product liability claims regarding the drug, which brought in more than \$4.7 billion in revenue last year. It announced last month a \$62 million settlement with 32 states and Washington, D.C., over Zyprexa marketing practices.

Minnesota was not part of that case but has been engaged in settlement talks, said Ben Wogsland, a spokesman for the attorney general's office.

"We weren't frankly ... comfortable with the amount of money that was being offered to Minnesota, and we communicated that to the company and what our concerns were there," Wogsland said.

He declined to elaborate on the amount or the talks, citing their confidential nature. Minnesota spent more than \$175 million through public health programs on Zyprexa prescriptions between 2000 and 2007. Wogsland said the lawsuit helps the state learn more about the drug's impact on Minnesota through the discovery process.

Lilly's Zyprexa legal woes also include an investigation by the U.S. attorney's office for the Eastern District of Pennsylvania. The company recorded a loss in the recently completed third quarter largely due to a \$1.4 billion charge related to the investigation of Zyprexa marketing practices.

Lilly said late last month it was taking the charge because it was in advanced discussions with that U.S. attorney's office over the investigation.

Lilly has long maintained that it promotes its medications only for approved uses. Company spokesman Jamaison Schuler said in an e-mail Monday Lilly is committed "to the highest ethical standards and to promoting our medications only for approved uses."

"We have clear guidelines and extensive training for our sales representatives to help assure that they provide appropriate promotional information that is within the scope of prescribing information approved by the FDA," he wrote.

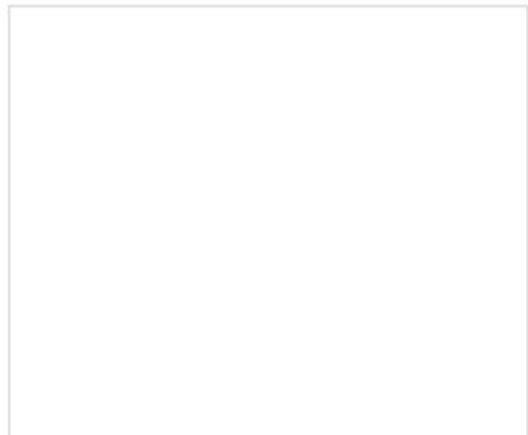
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