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Baum Hedlund, A Professional Corporation
12100 Wilshire Blvd., Ste. 950
Los Angeles, CA 90025
Contact: Robin McCall, Media Relations
(800) 827-0087 or (310) 207-3233
Web: www.baumhedlundlaw.com

Minnesota Attorney General Supports Widow in Zoloft Suicide Case

Minneapolis, Minnesota, March 21, 2005 - - The Attorney General for the State of Minnesota filed a legal brief today with the Federal District Court in Minneapolis arguing that the Food and Drug Administration's regulations regarding prescription drugs do not preempt stronger state laws.

Pfizer, the maker of Zoloft, filed a motion in Witczak v. Pfizer arguing that it should be immune from liability for failing to warn about dangerous side effects associated with its drug because Zoloft was approved for use by the FDA. Kimberly Kay Witczak, the widow of Timothy "Woody" Witczak, who committed suicide in 2003 while taking Zoloft, contends Pfizer knew this deadly side effect is associated with Zoloft but failed to warn doctors and patients.

However, the Minnesota Attorney General, Mike Hatch, argued in his amicus brief that Minnesota has a strong interest in protecting its citizens from hazards associated with prescription drugs. Mr. Hatch cited the State's almost $1 billion per year purchase of prescription drugs for its Medicare program. In addition, Hatch stated that it was important to protect the State's right to bring suit against drug manufacturers under the State's Consumer Protection statutes against manufacturers who may have "lied about the [drug's] efficacy and side effects."

A Court hearing on the preemption issue is scheduled to take place on April 8, 2005.

Timothy (Woody) Witczak was a 37-year-old dynamic and upbeat, happily married man who was prescribed Zoloft because he was having difficulty sleeping due to job-related stress. He was on Zoloft for about five weeks with an increased dose before he committed suicide (by hanging himself from the rafters in his garage). He had no history of mental illness or suicidality nor does there appear to be any history in his family.

His symptoms after Zoloft and before his death included profuse sweating, worsened insomnia, horrible nightmares, headaches, agitation and an odd feeling in his head (he told his wife that he felt like his head was "detached from [his] body.") This phenomenon has been acknowledged by Pfizer in internal company documents to be a side effect of Zoloft.

Kim Witczak has traveled to Washington D.C. on numerous occasions to lobby Congress to increase FDA scrutiny and raise awareness of the risks of Zoloft and other drugs in its class. She testified at the FDA advisory committee meeting in September of last year which resulted in the FDA's request for black box warnings concerning the increased risk of suicidality in children and adolescents.

The Witczak's story was covered in an I-Team feature on WCCO TV in Minneapolis and Ms. Witczak has been quoted in a number of news stories. She has a website devoted to her husband's memory and raising awareness about the risks of Zoloft and similar drugs: www.woodymatters.com.

Ms. Witczak is represented by Baum Hedlund, a national pharmaceutical products liability law firm. The firm represents many clients in SSRI-related suicide cases.

On March 22, 2004, the FDA asked Pfizer and the makers of a number of other antidepressant drugs to include in their warning labels that patients (both adults and children) should be closely monitored for the emergence of suicidality. See: http://www.fda.gov/cder/drug/antidepressants/AntidepressanstPHA.htm