

Re: Vaccine taken off the mkt. because of poor sales–HUH?

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- *From:* the 3rd Man <[derdrittemann2003@xxxxxxxxxx](mailto:derdrittemann2003@xxxxxxxxxx)>
  - *Date:* Tue, 27 May 2008 18:09:28 –0700 (PDT)
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On May 27, 7:15 pm, chronichel...@xxxxxxxxxx wrote:

On May 27, 3:11 pm, the 3rd Man <[derdrittemann2...@xxxxxxxxxx](mailto:derdrittemann2...@xxxxxxxxxx)> wrote:

I am just guessing also...but my experience tends to indicate to me, that it was pulled, because of fear of liability exposure...and NOT just the threat of a large amount of litigation.

I'm not sure I understand this one very well, wouldn't liability exposure mean larger threat of litigation?

Well, what I was thinking of there, was to try to contrast the mere threat of litigation with an assessment of the potential merits of that litigation.

A lot of frivolous, baseless suits being filed is one thing. If they are completely without merit...(as Steere and others seem to have claimed, since)...you probably hire a firm to dispose of them, if you have a viable product...the product's longterm value is certainly worth defending in Court. You don't dump a commercially viable and useful product because of the negative PR of a couple looney lawsuits.

But...if the lawyers look at it...and think that there may be some exposure...possible payouts, damages...different deal. You know, that's part of what lawyers get paid to do...predict your chances.

In products liability cases, I guess the estimations of liability can be pretty cold–blooded. (I remember hearing of some remarkable cases involving estimates of payouts in wrongful death cases versus the cost of correcting design defects in auto manufacturing cases that basically turn your stomach. The cost of correcting the defect per unit, multiplied times number of units...and weigh that against estimates of payouts, total, in wrongful death cases. If the cost of correcting the defect is less...then it doesn't get fixed, as it has been alleged...).

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I am, again, speculating...but what I have always felt, watching this...is there must have been someone saying that we might have some exposure on this thing...they must have thought there was a reasonable chance plaintiffs would be able to show that the vaccine was triggering a type of arthritic condition, itself. That's just how I have been accustomed to thinking the world works (or doesn't, according to your view).

I do not really know.

(I would have to think that any possible further actions on the vaccine thing would now be barred by statute of limitations, anyway).

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