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DEPARTMENT OF
JUDICIAL ADMINISTRATION
3100 SULLY PL SE WASHINGTON

**STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,

NO. 09-2-33085-9 SEA

Plaintiff,

COMPLAINT FOR INJUNCTIVE
AND OTHER RELIEF

v.

PFIZER, INC.,

Defendant.

COMES NOW, Plaintiff, State of Washington, by and through its attorneys Robert M. McKenna Attorney General; and Robert A. Lipson, Senior Counsel, and brings this action against Defendant PFIZER, INC., a Delaware corporation, for violating the Washington Consumer Protection Act, R.C.W. 19.86.020, with regard to its prescription drug Geodon as follows:

I. JURISDICTION AND VENUE

1.1 This Complaint is filed and these proceedings are instituted under the provisions of RCW 19.86, the Unfair Business Practices — Consumer Protection Act.

1.2 Jurisdiction of the Attorney General to commence this action is conferred by RCW 19.86.080.

1.3 The violations alleged herein have been and are being committed in whole or in part in King County, in the State of Washington by the defendant named herein or their agents.

1 **II. PARTIES**

2 2.1 Plaintiff is the State of Washington in its role as public enforcer of the
3 Consumer Protection Act;

4 2.2 Defendant Pfizer, Inc., (“Pfizer” or “Defendant”), is a Delaware corporation
5 with its principal place of business in New York. Pfizer transacts business in the State of
6 Washington by advertising, soliciting, selling, promoting and distributing prescription drugs,
7 including Geodon®, to consumers in the State of Washington and nationwide.

8 **III. BACKGROUND**

9 3.1 Geodon belongs to a class of drugs traditionally used to treat schizophrenia and
10 commonly referred to as “atypical antipsychotics.” When these drugs were first introduced to
11 the market in the 1990s, it was hypothesized that they might be used as long-term treatment for
12 schizophrenia without posing the same risks as first-generation antipsychotics.

13 3.2 While these drugs may reduce some risks associated with first-generation
14 antipsychotics, they also produce dangerous side effects, including weight gain,
15 hyperglycemia, diabetes, cardiovascular complications, and other severe conditions.

16 3.3 Geodon was first approved by the Food and Drug Administration (“FDA”) for
17 the treatment of schizophrenia in February 2001. Since then, the FDA has approved various
18 formulations of Geodon for the treatment of acute agitation in schizophrenic patients requiring
19 rapid treatment, the treatment of acute manic or mixed episodes in Bipolar I Disorder, and/or
20 the treatment of both schizophrenia and bipolar disorder.

21 **IV. DEFENDANT’S COURSE OF CONDUCT**

22 4.1 Pfizer not only began to market Geodon to health care professionals for the
23 treatment of schizophrenia in 2001, it also marketed Geodon for a number of uses for which it
24 was not approved by the FDA. For example, Pfizer illegally promoted Geodon for a variety of
25 off-label purposes including, but not limited to, for use in pediatric patients and for higher than
26 FDA-approved dosages.

1 4.2 Through all of the company's efforts to promote Geodon for uses for which it
2 was not approved by the FDA, Pfizer misrepresented the drug's safety and effectiveness.

3
4 **V. VIOLATIONS OF LAW**

5 5.1 The allegations contained in paragraphs 1-8 are incorporated herein by
6 reference.

7 5.2 The Defendant, in the course of advertising, soliciting, selling, promoting and
8 distributing the prescription drug Geodon, has engaged in a course of trade or commerce
9 which constitutes unfair or deceptive acts or practices, and is therefore unlawful under the
10 Washington Consumer Protection Act by misrepresenting Geodon's safety and efficacy.

11 **VI. PRAYER FOR RELIEF**

12 WHEREFORE, the plaintiff prays that this Court enter an Order:

13 6.1 Issuing a permanent injunction prohibiting Defendant, its agents, employees,
14 and all other persons and entities, corporate or otherwise, in active concert or participation
15 with any of them, from engaging in unfair or deceptive conduct;

16 6.2 Ordering Defendant to pay all costs for the prosecution and investigation of
17 this action, as provided by law;

18 6.3 Ordering Defendant to pay civil penalties for each and every violation of the
19 Consumer Protection Act; and

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