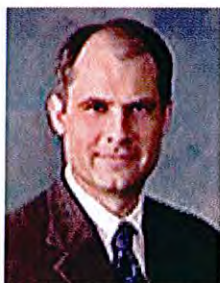


## Michael McWilliams Secured Defense Verdict for Merial, LLC



January 03, 2012

IADC member Michael E. McWilliams, along with Victor J. Franckiewicz, Jr. and Kyle V. Miller, attorneys with Butler, Snow, O'Mara, Stevens and Cannada, PLLC, recently secured a defense verdict for Merial, LLC in the United States District Court for the Western District of Louisiana. Merial is a large multi-national manufacturer of healthcare products and makes the leading canine heartworm preventive product in the world, Heartgard® Plus. John Ralph Ortego, a Doberman dog breeder located in Ville Platte, Louisiana, filed suit against Merial claiming that several of his dogs had contracted heartworm disease even though he allegedly administered the drug to them as directed.

At trial, the team was able to demonstrate to the court that Heartgard® Plus is effective in eliminating "early tissue stage" heartworm larvae infections. This is the particular stage during the lifecycle of a heartworm for which the drug has received FDA approval as a preventive. To be effective in eliminating the development of heartworm disease, the drug must be given in accordance with label directions. Plaintiff could not show that Heartgard® was ineffective against early tissue stage heartworm larvae. Likewise, he was unable to show that he had consistently provided Heartgard® Plus to his dogs, and he could not establish that he had followed all of the directions when Heartgard® Plus was used. Following the trial, the court issued findings of fact and conclusions of law dismissing plaintiff's claims in their entirety and entering judgment in favor of Merial.

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