

unit, the 1st Marine Division, from September 2007 until July 2009.

The expeditionary force's current commanding general, Lt. Gen. Joseph F. Dunford Jr., has been selected for promotion to general and the position of assistant commandant of the Marine Corps.

GRETEL C. KOVACH

## Whooping cough cases grow; vaccinations urged

Health officials are urging people to get vaccinations for whooping cough, as new cases continue to be reported in a statewide epidemic that has killed seven infants, including one in San Diego last week.

The county Health and Human Services Agency reported four new cases in San Diego County this week: a 10-year-old attending Summerbridge San Diego in La Jolla and a 9-year-old attending Turtleback Elementary in Rancho Bernardo, who both were current on the immunizations; and an 11-year-old attending Casillas Elementary summer school in Chula Vista and a 13-year-old in Clairemont who were due for booster shots.

The federal Centers for Disease Control and Prevention recommend that children get doses of DTaP vaccine at 2 months, 6 months, 15-18 months and 4-6 years of age. A dose of Tdap vaccine is recommended at 10-11 years old.

The state Department of Public Health recommends adult booster shots for everyone who has not yet received one, including women who are pregnant.

Whooping cough, or pertussis, is a highly contagious respiratory infection with cold-like symptoms in the early stages. If not treated with antibiotics, it can lead to serious illness or death, particularly in infants.

San Diego County has had 298 cases so far this year compared with 143 cases for all of 2009, officials said. Statewide, 2,174 cases have been reported.

JANET LAVELLE

## Military academy settles cadet's hazing lawsuit

**CARLSBAD:** A settlement has been reached in a lawsuit filed against the Army and Navy Academy in Carlsbad that accused the school of failing to protect one of its cadets from hazing.

The plaintiff's lawyer, Vince Finaldi of Orange County, confirmed Wednesday that the suit was resolved about two weeks ago but declined to discuss details, citing a confidentiality agreement between the parties.

The academy's president, retired Army Gen. Stephen Bliss, also confirmed that the lawsuit had been settled but declined to provide additional information.

At least three lawsuits have been filed against the academy since spring 2008, all of which claimed that the boarding school failed to protect cadets from violence at the hands of peers. The school enrolls about 300 students on the 16-acre, ocean-front campus.

The other lawsuits are still pending.

cerned for the safety of the students, Bliss said Wednesday.

DANA LITTLEFIELD

## 417-home project meets supervisors' approval

**NORTH COUNTY:** The county Board of Supervisors unanimously approved a project Wednesday near Ramona that would include 417 homes, parks, open space and what some Ramona residents say is much-needed development.

The Montecito Ranch project has been in the works for 12 years, and would span 935 acres. The development required a zoning amendment to allow the homes to be on smaller lots, which range from 20,000 square feet to 1.8 acres.

The new development will also provide roads that may help traffic flow.

"This is one of the most well-planned developments I've seen in a long time," said Supervisor Dianne Jacob, whose district includes the proposed site.

She said she was impressed that the developer had altered the plan based on community input. Many residents spoke in favor of the project at the meeting; none present opposed it.

The board allowed the development company to move forward with a plan to include a wastewater treatment facility in the development site.

The other option, which county staff recommended, was connecting to the Ramona Municipal Water District for treatment. Developers and community supporters said this option would be too costly, and could even sink the project.

The water reclamation plan is still subject to the approval of the San Diego Local Agency Formation Commission, which handles jurisdictional boundary changes.

NATHAN SCHARN

## Work to start on center for cancer-killing protons

**SAN DIEGO:** Scripps Health will hold a groundbreaking ceremony today for a \$185 million radiation treatment center that will use beams of protons to destroy certain types of cancer cells.

The Scripps Proton Therapy Center in Mira Mesa will be one of seven facilities in the United States and only the second on the West Coast to use proton therapy.

Advocates say it uses a stronger, more focused beam than other radiation treatments to kill malignant cells without damaging nearby tissue or causing secondary cancers.

The therapy often is used to treat tumors in the spine, head, lungs and prostate. According to the National Cancer Institute, 60 percent to 75 percent of the nearly 1.5 million people diagnosed with cancer each year will undergo some form of radiation therapy.

Grading has begun for the Scripps center on Summers Ridge Road, and the facility is expected to open in spring 2013 with the capacity to treat 2,400 patients



## VENISON SERVED IN HUNGER INITIATIVE

Melba Massey was one of more than 1,000 homebound seniors at Vincent de Paul Village in East Village on Wednesday who ate with some of the 400 pounds of venison made with some of the 400 pounds of venison as part of its "Hunt.Fish.Feed." national initiative. The initiative donated 200 pounds of fish that will be used later

annually.

The other West Coast proton therapy center is at Loma Linda University Medical Center in San Bernardino County.

JANET LAVELLE

## Lemon Grove sales tax measure dies in council

**LEMON GROVE:** Residents in Lemon Grove won't be voting on a proposed sales tax increase anytime soon.

Supporters of a half-cent tax increase failed to convince enough Lemon Grove City Council members Tuesday to place the measure on the November ballot. Although three of the four council members present voted to approve the ballot measure, four votes are needed to put a proposed tax to a public vote.

The vocal and divisive crowd was chastised several times by Mayor Mary Teresa Sessom to stop clapping during the meeting.

Councilwoman Mary England cast the sole dissenting vote. She is president and CEO of the La Mesa Chamber of Commerce and in 2009 supported that city raising its taxes. Sessom and Councilmen George Gastil and Jerry Jones voted in favor of putting the measure on the ballot. Councilman Jerry Selby, who supports



# L REPORTS

## HEALTH

### THREE MORE LOCAL KIDS GET WHOOPING COUGH

As county cases climb to 412 this year, health officials continue vaccination push

#### Vaccine clinics

The county is holding vaccination clinics each weekend until Sept. 26. The clinics are from 10 a.m. to 4 p.m.

**Saturdays:** San Ysidro Port of Entry, 720 E. San Ysidro Blvd., San Diego.

**Sundays:** At six Northgate Markets — 2909 Coronado Ave., San Diego; 1410 S. 43rd St., San Diego; 1058 Third Ave., Chula Vista; 1346 S. Mission Road, Fallbrook; 1150 E. Vista Way, Vista; 606 N. Escondido Ave., Escondido.

ing anyone in contact with babies and children to get vaccinated. Children are urged get one dose of DTaP vaccine at ages 2 months, 4 months, 6 months, 15-18 months and 4-6 years.

A booster shot of Tdap vaccine is recommended for everyone 10 years or older.

For more information, call (866) 358-2966.

JANET LAVELLE • U-T

Ex 2

led 911, seat belts, he said. They died of massive head injuries.

SUSAN SHRODER • U-T

### Police say fire started by man lighting grill

#### SOUTH COUNTY

A man who told authorities he intended to light charcoal in a grill sparked a 2-acre brush fire that burned up a canyon near homes north of Otay Mesa Road on Wednesday, fire and police officials said.

Local residents off Ocean View Hills Parkway, west of Interstate 805, told San Diego police they saw a dirty, bearded man in a dark trench coat come out of the canyon as the flames were spreading at noon.

Police detained him before jailing him on suspicion of recklessly causing a vegetation fire, a felon said Maurice Luque, a San Diego Fire-Rescue Department spokesman.

Luque said Michael Jones Boyle, 54, told authorities he had lit a charcoal fire in a barbecue grill but did not intend to set the surrounding brush on fire.

The fire took about 45 minutes to control, with a firefighting helicopter making water drops.

PAULINE REPARD • U-T

## EDUCATION

### SCHOOL BOARD TRUSTEE WANTS WRITE-IN CHANCE

Nakamura, third in primary, petitioned court to allow it despite S.D. city code ban

#### SAN DIEGO

A Superior Court judge will decide whether San Diego school board trustee Katherine Nakamura can seek election as a write-

San Diego Unified School District.

The incumbent barely campaigned last spring, saying she was too busy working to balance the dis-





## RIVER E BLOOM

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the rapid growth  
and its rapid de-

MIKE LEE • U-T

## NORTH COUNTY 10 CHICKENPOX CASES AT ESCONDIDO SCHOOLS

### ESCONDIDO

A chickenpox outbreak has been reported at two Escondido schools, the county's Health and Human Services Agency said Wednesday.

Seven students ranging from 4 months to 15 months old have been diagnosed with the virus at the Escondido Community Child Development Center, and three students between 15 and 17 have been diagnosed at Escondido High School.

The agency said there is no known connection between the cases at the two sites.

Two of the three high school students had received two immunizations for chickenpox, and the third had one. Six of the seven children at the Child Development Center were immunized. People who have been vaccinated tend to experience a milder case of the illness, public-health officials said.

Chickenpox is a highly contagious condition that spreads through coughing, sneezing and contact with chickenpox blisters.

Symptoms include blis-

terlike lesions, mostly on the face, scalp, chest and back. Potential complications increase after puberty, including bacterial infection, pneumonia and dehydration.

JONATHAN HORN • U-T

## Escondido to honor city worker who died

### ESCONDIDO

The city will lower flags to half-staff at all city facilities Friday in honor of an employee who died of cancer Aug. 4.

The city chose Friday to honor Tom Foley, a senior wastewater treatment plant operator, because that is when Foley's family plans to scatter his ashes off the coast in Santa Barbara.

Foley, an Oceanside resident, had worked for the city since November 1994. He is survived by his wife, Margot, and sons, Sean and Dimitri. Colleagues described Foley as an avid horseman and kayaker who loved the ocean.

City policy allows flags to be lowered on the day of a city employee's interment.

MICHELLE BREIER • U-T

## EDUCATION

## BOARD INCUMBENT GETS TO PURSUE WRITE-IN BID

Win won't automatically seat Nakamura, who lost district primary to two others

### SAN DIEGO

San Diego Unified school board incumbent Katherine Nakamura will continue her write-in campaign for a third term, but victory at the polls on Nov. 2 may not guarantee her a seat on the dais.

Superior Court Judge David Oberholtzer directed the county registrar's office Wednesday to tally votes for Nakamura, but he did not rule on whether she will be allowed to hold office for another four years if she gets the most votes. He left that to a possible court challenge if she wins.

"If there is a contest, we'll hear it," he said. "But there's got to be somebody who objects."

The candidates on the ballot, who finished ahead of Nakamura in the June primary, are Kevin Beiser and Steve Rosen.

Nakamura claimed the city's election code, which the school district follows, is unconstitutional because it prohibits write-in can-



Katherine Nakamura

didates from general elections.

Despite his refusal to give Nakamura a clear ruling on whether she could take office if she attracts the most votes, Oberholtzer said he expects anyone who wins an election to be seated.

"The person with the most votes is going to sit at the table," he said. "Doesn't that just make sense?"

Oberholtzer's statements fell in line with the school district's argument that "it's not the role of the judicial branch or the judge to tell the district what they have to do if something in the future occurs," said Mark Bresee, the district's general counsel.

Nakamura said she considers the judge's statements a victory.

HAILEY PERSINGER • U-T

## EAST COUNTY

## GREEN-CAREER CLASSES AVAILABLE TO JOBLESS

Cuyamaca College offers free instruction on landscaping and water conservation

### RANCHO SAN DIEGO

Cuyamaca College is reaching out to those who are jobless and have green thumbs.

With the help of a \$400,000 grant, the Rancho San Diego campus is offering free courses to 100 unemployed and underemployed people who are looking for careers in landscaping and water

## 'History Alive' series speaker is retired cop

### LEMON GROVE

Rick Carlson — co-founder of the San Diego Police Museum, foreman of the county grand jury and a retired detective — will be the next speaker in the "History Alive" series presented monthly by the Lemon Grove Historical Society.

## GOVERNMENT & POLITICS

## CITY WEBSITE TRACKS CAMPAIGN FINANCING

### SAN DIEGO

Want to know how much is being raised for campaigns in the city of San Diego but don't want to pour through hundreds of pages of documents?

The city's Ethics Commission has launched a new website it plans to update throughout the election season that tracks the finances of each campaign, from City Council candidates to Proposition D, the proposed sales tax

raised quickly on both sides of the sales tax debate. In less than two months, the Yes on D campaign has collected about \$168,000, including \$100,000 and \$50,000 respectively from the city's fire and police unions.

The No on D campaign raised nearly \$147,000, including roughly \$35,000 each from two business groups — the Lincoln Club of San Diego County and the San Diego Restaurant and



Jose, 24, and Brooks • U-T

## handouts n the job

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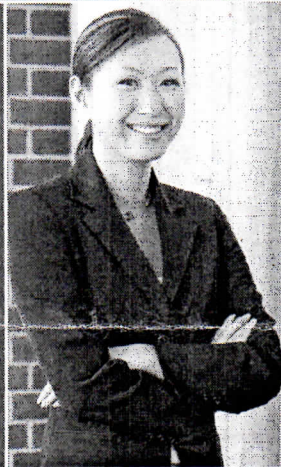






MAKING HEALTHY CHOICES  
LIVING HEALTHY LIVES

# FLU SHOT CLINIC



## TO RECEIVE A FLU SHOT YOU MUST:

- ☐ Meet a minimum age requirement. \*If under 18 years of age, please see management.
- ☐ Not had an anaphylactic-type reaction to latex.
- ☐ Not have an allergy to chicken eggs and/or egg products.
- ☐ Not have an allergy to Thimerosal (used as a preservative in vaccines).
- ☐ Not be exhibiting symptoms other than mild coughing, runny nose, and/or diarrhea.
- ☐ Not have a history of Guillain-Barré Syndrome.
- ☐ Not had a serious reaction after receiving a prior influenza and/or pneumonia vaccination.
- ☐ Meet any CDC eligibility requirements required at the date of service.

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Location: \_\_\_\_\_

Contact: \_\_\_\_\_  
\_\_\_\_\_

Ex 5

WWW.FINDAFLUSHOT.COM



**Precautions and Contraindications: Please check YES or NO for each question.**

1. Have you ever had an anaphylactic-type reaction to latex?
2. Are you allergic to chicken eggs and/or egg products?
3. Are you allergic to Thimerosal (used as a preservative in vaccines)?
4. Are you exhibiting symptoms other than mild coughing, runny nose and/or diarrhea?
5. Do you have a history of Guillain-Barré Syndrome?
6. Have you ever had a serious reaction after receiving the influenza and/or pneumonia vaccine?

YES  
NO

CONTACT YOUR PHYSICIAN AND/OR HEALTHCARE PROVIDER BEFORE RECEIVING THIS VACCINE IF YOU CHECKED YES ON ANY OF THE ABOVE QUESTIONS.

**For Women: Please check Yes or No**

7. Are you pregnant or suspect you are pregnant? If yes, please talk to the nurse before receiving the influenza vaccine.

YES  
NO

**Pneumonia Vaccine: Please check YES or NO.**

1. Have you ever received the pneumonia vaccine before?

If no, Maxim will administer the pneumonia vaccine. If yes, read Maxim's policy below to determine eligibility.

**The ACIP recommends persons aged 19 through 64 years who smoke cigarettes and/or have asthma should receive a single dose of pneumonia vaccine.**

**Maxim WILL NOT give second doses of pneumonia vaccine except for those persons over the age of 65 years of age who received the pneumonia shot prior to 65 and it has been 5 years or more since the last pneumonia shot.**

2. I have read the above policy and meet the criteria stated above to receive the pneumonia shot.

**For Women: Please check Yes or No**

3. Are you pregnant or do you suspect you are pregnant? If yes, physician prescription required.

YES  
NO

YES  
NO

YES  
NO

**INFLUENZA VACCINE ADVERSE REACTIONS**

Because influenza vaccine contains only non-infectious purified viral proteins, it cannot cause influenza. An occasional case of respiratory disease following immunization represents coincidental illnesses unrelated to influenza immunization.

**Mild Problems:** Soreness, redness or swelling where the shot was given. Hoarseness, sore or red eyes, cough, itchiness, fever, aches. If these problems occur they should begin soon after the shot and lasts 1-2 days.

**Severe Problems:** Fever, malaise, myalgia, and other systemic symptoms occur infrequently and most often affect persons who have had no exposure to the influenza virus antigens in the vaccine (e.g., young children). Life-threatening allergic reactions from vaccines are very rare. If they do occur, it is usually within a few minutes to a few hours after the shot. Immediate, presumable allergic reactions such as hives, angioedema, allergic asthma, or systemic anaphylaxis occur rarely after influenza immunization. These reactions probably result from hypersensitivity reactions in people with severe egg allergy and such people should not be given influenza vaccine. This includes people who develop hives, have swelling of the lips or tongue, or experience acute respiratory distress or collapse after eating eggs. People with documented immunoglobulin E (IgE)-mediated hypersensitivity to eggs, including those who have experienced occupational asthma or other allergic responses from occupational exposure to egg protein, may also be at increased risk of reactions from influenza vaccine.

In 1976, a type of influenza (swine flu) vaccine was associated with Guillain-Barré Syndrome (GBS). Since then, flu vaccines have not been clearly linked to GBS. However, if there is a risk of GBS from current flu vaccines, it would be no more than 1 or 2 cases per million people vaccinated. This is much lower than the risk of severe influenza, which can be prevented by vaccination.

THE VACCINE SHOULD NOT BE ADMINISTERED TO PEOPLE WITH ACUTE FEBRILE ILLNESSES UNTIL THEIR TEMPORARY SYMPTOMS HAVE ABATED. HOWEVER, MINOR ILLNESSES WITH OR WITHOUT FEVER SHOULD NOT CONTRAINDICATE THE USE OF INFLUENZA VACCINE, PARTICULARLY AMONG CHILDREN WITH A MILD UPPER RESPIRATORY TRACT INFECTION OR ALLERGIC RHINITIS. **CONTRAINDICATIONS: INFLUENZA VIRUS IS PROPAGATED IN EGGS FOR THE PREPARATION OF INFLUENZA VIRUS VACCINE; THUS, THIS VACCINE SHOULD NOT BE ADMINISTERED TO ANYONE WITH A HISTORY OF HYPERSENSITIVITY TO ANY COMPONENT OF THE VACCINE INCLUDING THIMEROSAL.**

**PNEUMONIA VACCINE ADVERSE REACTIONS**

**Mild Problems:** About half of people who get PPSV have mild side effects, such as redness or pain where the shot is given. Less than 1% develop a fever, muscle aches, or more severe local reactions.

**Severe Problems:** A vaccine, like any medicine, could cause a serious reaction. But the risk of a vaccine causing serious harm, or death, is extremely small.

☐ **INFLUENZA VACCINE**

- ☐ Right Deltoid \_\_\_\_\_ (Nurse Initials)  
☐ Left Deltoid \_\_\_\_\_ (Nurse Initials)

MFR: \_\_\_\_\_ LOT NO.: \_\_\_\_\_

☐ **PNEUMOCOCCAL VACCINE**

- ☐ Right Deltoid \_\_\_\_\_ (Nurse Initials)  
☐ Left Deltoid \_\_\_\_\_ (Nurse Initials)

MFR: \_\_\_\_\_ LOT NO.: \_\_\_\_\_

**PAYMENT INFORMATION**

- ☐ 90658 Flu Injection G0008 Dx V04.81 \$ \_\_\_\_\_ ☐ Coupon Coupon No. \_\_\_\_\_  
☐ 90655 Preservative free, 6-35 Month Flu Injection G0008 Dx V04.81 \$ \_\_\_\_\_  
☐ 90657 Multi Dose Vial, 6-35 Month Flu Injection G0008 Dx V04.8 \$ \_\_\_\_\_  
☐ 90732 Pneumonia Injection G0009 Dx V03.82 \$ \_\_\_\_\_

AMOUNT PAID \$ \_\_\_\_\_

Corporate Address: 7227 Lee DeForest Drive, Columbia, MD 21046, Phone No.: 866-211-0001 Tax ID No.: 52-1968516

**CONSENT FOR SERVICES, MEDICAL RECORDS and HIPAA PRIVACY INFORMATION**

I have read the adverse reactions associated with the influenza and pneumococcal vaccines. A copy of the vaccine manufacturer's drug information sheet is available on request. Furthermore, I have also had an opportunity to ask questions about these immunizations. I believe the benefits outweigh the risks and I voluntarily assume full responsibility for any reactions that may result. My medical record may be shared with my physician/insurance. I am requesting that the immunization(s) be given to me or the person named below for whom I am the legal guardian. I, for myself, my heirs, executors, personal representatives and assigns, hereby release Maxim, any retail site, grocery store, pharmacy, corporation, school, school district, physician and/or medical director and their respective affiliates, subsidiaries, divisions, directors, contractors, agents and employees, from any and all claims arising out of, in connection with or in any way related to my receipt of this or these immunization(s). Maxim and the other aforementioned parties shall not at any time or to any extent whatsoever be liable, responsible, or in any way accountable for any loss, injury, death or damage suffered or sustained by any person at any time in connection with or as a result of this vaccine program or the administration of the vaccines described above. Maxim will use and disclose your personal and health information to treat you, to receive payment for the care we provide, and for other health care operations. Health care operations generally include those activities we perform to improve the quality of care. We have prepared a detailed **NOTICE OF PRIVACY PRACTICES** to help you better understand our policies in regards to your personal health information. I acknowledge that I have received a copy of the Notice of Privacy Practices. I agree to remain in the general area for at least 15 minutes after receiving the vaccine. I acknowledge that I have received the appropriate Vaccine Information Statement (VIS) issued by the US Centers for Disease Control and Prevention for the vaccine(s) being administered.

Influenza (VIS version date): \_\_\_\_\_

Pneumonia (VIS version date): \_\_\_\_\_

X \_\_\_\_\_  
Signature/Legal Guardian

Ex6

\_\_\_\_\_ Date of Service

Print Name

Nurse's Signature

Please provide us with your e-mail address if you would like to receive a reminder for your next flu immunization or other upcoming wellness events. [This information will be kept confidential and only be used for the stated purpose.]  
Please provide a copy of this form to your physician and/or healthcare provider for your permanent medical records.

MAXIM COPY

F001 REV. 06/10



They wanted to  
drug's progress  
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news for us  
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path President  
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The bad news  
re was nothing

spring of 2010,  
delivered the  
s of the Phase 1  
zer officials indi-  
were considering  
deal.

they were still  
the finish line,  
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They continued

scout over dinner at a res-  
taurant in San Francisco.

Lpath took on the code  
name "Lexington" in nego-  
tiation documents drafted  
by Pfizer, Pancoast said.

The talks were intense  
and often lasted late into the  
night, he said. The outcome  
of the work had the po-  
tential to catapult the San  
Diego company into a new  
level of success or sink it.

"There were a lot of emo-  
tions," Pancoast said.

On Dec. 16, the companies  
signed the final agreement  
that gave Lpath a \$14 million  
upfront payment and up  
to \$497.5 million in future

development budgets in the  
face of shrinking drug sales  
from patent expirations  
and competition from ge-  
neric brands.

In 2009, six biotechnol-  
ogy companies in San Di-  
ego signed partnerships  
worth up to \$1.3 billion. In  
2010, local drug developers  
signed 15 deals worth up to  
\$6.3 billion.

A partnership typically  
delivers a modest upfront  
payment — often in the tens  
of millions of dollars — to a  
biotechnology company to  
pay for clinical trials. The  
rest of the money is deliv-

Pharma hold back invest-  
ments until experimental  
therapies have shown some  
promise in midstage hu-  
man trials and cherry-pick  
the best-looking candidates,  
Rastetter said.

"It becomes more cost-ef-  
fective for them to pay up to  
a single company" through  
a licensing partnership, he  
said.

In more recent years,  
the process has become  
a two-way street of sorts  
as an increasing number  
of biotechs have licensed  
experimental therapeutic  
molecules from global drug

jected Idec's pitches, said  
Rastetter, who headed the  
company at the time.

However, Idec had found  
an ally in David Ebersman,  
a New York stock analyst  
who later pitched Rituxan  
to Genentech when he was  
hired by the drug com-  
pany.

Rituxan was approved by  
the FDA in 1997. By 2008,  
worldwide sales of the drug  
had topped \$8 billion annu-  
ally.

keith.darce@uniontrib.com  
(619) 293-1020  
Twitter @keithdarce

l filing for the  
device for treat-  
ments.

back for Delcath  
into a lengthy  
delay for the  
chemosaturation  
Delcath filed for ap-  
th the U.S. Food  
Administration in  
hoping for a quick  
review and June

Delcath says the  
outcome will be a  
on of the approval  
September. If FDA  
e review this time,  
saturation system  
p for an approval  
until March 2012 at  
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shares dropped  
t to \$7 in Tuesday

mosaturation sys-  
device that isolates  
om the body's blood  
lowing doctors to  
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hemotherapy drug  
1. Delcath is seeking  
for the system as a  
t for skin cancer pa-  
p have tumors that  
the liver.

THE STREET

o pay \$1.2B  
ical Data

Laboratories Inc.  
most in 10 months

over investor concerns that  
its \$1.2 billion purchase of  
Clinical Data Inc. won't add  
to earnings in time to offset  
losses from patent expira-  
tions on Forest's biggest  
drug.

Forest agreed to pay \$30  
a share in cash, a 12 percent  
discount from Clinical Data's  
last closing price, to gain the  
new antidepressant ViiVbryd,  
the companies said Tuesday  
in a statement. New York-  
based Forest will pay an ad-  
ditional \$6 a share if the drug  
meets certain sales goals and  
said it expects the purchase  
to add to earnings no earlier  
than fiscal 2014.

Forest has been looking to  
license new drugs to replace  
Lexapro, an antidepressant  
that accounts for 56 percent  
of the company's sales and is  
set to lose patent protection  
next year.

Forest's goal of leverag-  
ing its existing sales force to  
turn ViiVbryd into a product  
with more than \$1 billion in  
annual sales isn't realistic in a  
market dominated by generic  
competition, said David Am-  
sellem, an analyst at Piper  
Jaffray & Co.

"As a general rule, I think  
the days of the blockbuster  
antidepressant are largely  
behind us," Amsellem said.

Forest fell \$1.43, or 4.2 per-  
cent, to close at \$32.90.

BLOOMBERG NEWS

## SUPREME COURT TOSSES SUIT LINKING VACCINES, SEIZURES

Ruling cites vaccine court, which had rejected parents' claims

MARK SHERMAN • ASSOCIATED PRESS

WASHINGTON

The Supreme Court closed the court-  
house door Tuesday to parents who want  
to sue drugmakers over claims that their  
children developed autism and other seri-  
ous health problems from vaccines. The  
ruling was a stinging defeat for families  
dissatisfied with how they fared before a  
special no-fault vaccine court.

The court voted 6-2 against a couple who  
sued the drugmaker Wyeth in Pennsylva-  
nia state court for health problems they say  
their daughter, now 19, suffered from a vac-  
cine she received in infancy.

Justice Antonin Scalia, writing for the  
court, said Congress set up a special vac-  
cine court in 1986 to handle such claims as  
a way to provide compensation to injured  
children without driving drug manufac-  
turers from the vaccine market. The idea,  
he said, was to create a system that spares  
the drug companies the costs of defending  
themselves against parents' lawsuits.

Justices Ruth Bader Ginsburg and So-  
nia Sotomayor dissented. Scalia's opinion  
was the latest legal setback for parents  
who felt they got too little or nothing at  
all from the vaccine court.

Such was the case for Robalee and Rus-  
sell Bruesewitz of Pittsburgh, who filed their  
lawsuit after the vaccine court rejected  
their claims for compensation. Accord-  
ing to the lawsuit, their daughter, Hannah,

was a healthy infant until she received the  
diphtheria, tetanus and pertussis vaccine in  
April 1992. The vaccine was made by Wyeth,  
now owned by Pfizer.

Within hours of getting the DPT shot,  
the baby suffered a series of debilitating  
seizures. Hannah continues to suffer from  
residual seizure disorder, the lawsuit said.

A federal trial judge and the 3rd U.S.  
Circuit Court of Appeals ruled in favor of  
Wyeth. Indeed, state and federal appeals  
courts have almost always sided with the  
vaccine manufacturer in preventing the  
lawsuits from going forward.

Scalia confirmed that outcome Tuesday.  
He said that when a vaccine is properly pre-  
pared and is accompanied by proper direc-  
tions and warnings, lawsuits over its side  
effects are not allowed under the 1986 law.

The American Academy of Pediatrics,  
representing more than 60,000 doctors,  
praised the decision. "Childhood vac-  
cines are among the greatest medical  
breakthroughs of the last century," said  
Dr. Marion Burton, the group's president.  
"Today's Supreme Court decision protects  
children by strengthening our national im-  
munization system."

The vaccine court has paid out more  
than \$1.9 billion to more than 2,500 people  
who claimed a connection between a vac-  
cine and serious health problems.

Justice Elena Kagan recused herself from  
the case because she had worked on it while  
serving in the Justice Department.

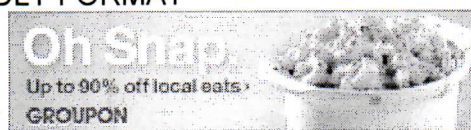
Ex 7

S.D.U. 2/23/11





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Feds checking post-vaccine seizures in young kids

January 20, 2011 2:38 PM EST

ATLANTA (AP) — Government officials are investigating an apparent increase in fever-related seizures in young children after they got a flu shot.

The U.S. Food and Drug Administration on Thursday said there have been reports of 36 seizures this flu season in children ages 6 months through 2 years. All the seizures occurred within one day after the youngsters got a vaccine called Fluzone, which is made specifically for younger children.

Ten of the children were hospitalized, but all recovered.

The maker of the flu shot says there's no clear link between the vaccine and seizures, and they may have been coincidental.

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Online:

FDA notice: <http://tinyurl.com/FDAnotice>

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Ex 8



**FDA U.S. Food and Drug Administration**

Home > Vaccines, Blood & Biologics > Safety & Availability (Biologics) > Vaccine Safety & Availability

**Vaccines, Blood & Biologics****Fluzone Vaccine Safety****FDA and CDC Update on Fluzone Influenza Vaccine and VAERS Reports of Febrile Seizures in Children**  
January 20, 2011

The Food and Drug Administration (FDA) and the Centers for Disease Control and Prevention (CDC) routinely monitor the safety of all U.S. vaccines by using several vaccine safety surveillance systems, including the Vaccine Adverse Event Reporting System (VAERS)<sup>1</sup>. VAERS collects and analyzes information from reported adverse events (health problems or possible side effects) that occur after vaccination.

FDA and CDC have recently detected an increase in the number of reports to VAERS of febrile seizures following vaccination with Fluzone (trivalent inactivated influenza vaccine or TIV, manufactured by Sanofi Pasteur, Inc.). Fluzone is the only influenza vaccine recommended for use for the 2010-2011 flu season in infants and children 6-23 months of age. These reported febrile seizures have primarily been seen in children younger than 2 years of age. Data from VAERS are preliminary and serve as a sign or indication that further investigation is warranted. Further investigations are under way to assess whether there could be an association between influenza vaccination and febrile seizures, or if other factors could be involved. FDA and CDC have seen no increase in VAERS reports of febrile seizures in people older than 2 years of age following vaccination with TIV, and no increase after live attenuated influenza vaccine (FluMist, the nasal spray vaccine). In the cases reported, all children recovered and no lasting effects have been seen. Recommendations for the use of flu vaccine in children have **not** changed.

FDA and CDC will continue to conduct studies and provide additional information to the public and health care providers as it becomes available.

**Information on Febrile Seizures**

Febrile means "relating to a fever" or an unusually high body temperature. In some children, having a fever can cause a seizure. Although febrile seizures can be frightening for the child's caregivers, nearly all children who have a febrile seizure recover quickly and have no long term effects. Febrile seizures may occur with any common childhood illnesses that may cause fever, such as ear infections, colds, influenza and other viral infections, and they sometimes happen after vaccination. With regard to influenza infection, one study estimated that seizures occur in 1% of children under 5 years of age with laboratory-confirmed influenza and 9% of children who are hospitalized due to influenza virus infection.[1]

Approximately 1 in 25 (4%) young children will have at least one febrile seizure in their lifetime usually between 6 months and 5 years of age with the peak age between 14 and 18 months of age.

Parents and caregivers should contact their child's health care provider if they have any questions or concerns.

**About Influenza and Influenza Vaccination**

The risk of severe influenza illness is higher among young children, especially children under 2 years of age. Approximately 9 out of 10,000 children 6-23 months of age require hospitalization each season for reasons related to influenza. Flu vaccine is the best way to protect against becoming ill with the flu.

Recommendations for the use of flu vaccine in children have **not** changed. CDC recommends<sup>2</sup> that all persons ages 6 months and older receive a flu vaccine each year.

**FDA and CDC Actions**

FDA and CDC are conducting further analyses to investigate this preliminary finding in VAERS and will provide additional information as it becomes available. FDA is also working closely with the manufacturer to obtain additional information and investigate the situation further.

[1] Poehling KA, Edwards KM, Weinberg GA, Szilagyi P, Staat MA, Iwane MK, et al. The underrecognized burden of influenza in young children. N Engl J Med. 2006 Jul 6;355(1):31-40.

**Links on this page:**

1. <http://vaers.hhs.gov/index>
2. <http://www.cdc.gov/flu/professionals/acip/recommendations.htm>

E<sub>x</sub>9



# in vaccines not harmful to kids

## Autism not part of ills examined by researchers

By Alicia Chang  
ASSOCIATED PRESS

LOS ANGELES — A mercury-based preservative once used in many vaccines does not raise the risk of neurological problems in children, concludes a large federal study that researchers say should reassure parents about the safety of shots their kids received a decade or more ago.

However, the study did not examine autism, the developmental disorder that some critics blame on vaccines. A separate study due out in a year will look at that issue, said scientists at the federal Centers for Disease Control and Prevention, who led the latest analysis and published results in today's *New England Journal of Medicine*.

They found no clear link between early exposure to the preservative thimerosal and problems with brain function and behavior in children ages 7 to 10. The results are in line with past research that found no connection between vaccines and neurological problems or autism.

Thimerosal has not been used in childhood vaccines since 2001, though it is still in some flu shots. The new findings apply to children immunized before then, or exposed to the preservative through shots their mothers received while pregnant. Thimerosal was put in vaccines to prevent contamination from bacteria.

Some doctors say the CDC study should reassure parents worried about the safety of vaccines.

"It's good news for families," said Dr. Michael Goldstein, vice president of the American Academy of Neurology, who works in private practice in Salt Lake City. "There's no evidence that these vaccines have caused injury."

The study involved 1,047 children who were exposed to

varying levels of thimerosal while in the womb or after birth in the 1990s. The children belonged to four health maintenance organizations that are part of a federal project to study the side effects of vaccines. Their mercury exposure was determined through medical and immunization records and interviews with parents.

Each child was tested for speech and language skills, motor coordination and intelligence. Parents, teachers and trained specialists also rated stuttering, attention span and tic disorders such as head shaking, eye blinking and neck jerking. A total of 42 neurological problems were analyzed.

On balance, researchers did not find a consistent pattern between increasing thimerosal exposure and the risk of these problems. However, they said one finding merited further study: Boys exposed to higher mercury levels seemed to have more tic problems — a link seen in previous research.

"The doses of mercury that children were exposed to because of immunization doesn't cause neuropsychological damage," said Dr. Bruce H. Cohen, a Cleveland Clinic pediatric neurology specialist who had no role in the study.

The CDC study was reviewed by an independent panel of scientists and statisticians who oversaw its design, reviewed results and contributed to writing the report.

The panel included one vaccine opponent — Sallie Bernard, executive director of the consumer group SafeMinds. Though Bernard had a role in planning the study, she asked to be listed as a "dissenting member" because she disagreed with the study's conclusions.

The research was led by William Thompson, a CDC epidemiologist who once worked for vaccine maker Merck & Co. Four other researchers have received fees from drug companies and one has served as a consultant to a CDC committee on immunization.

S.D. Union  
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Ex 10