

**PETER R. BREGGIN, MD**

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**COURT-QUALIFIED TESTIMONY  
IN THE US AND CANADA**

This is a list of US and Canadian cases since 1987 in which Dr. Breggin has been qualified as an expert. Dr. Breggin's history of testifying in court as a psychiatrist is much longer, however, dating back to the 1960s.

1. Karen Gartenberg v. St. John's Hospital, Barton et al. US District Court Central District of California No 85 1747 RMT 1986. Trial in 1987. Malpractice. A woman believed she was injured by electroshock. Testified in trial on electroshock treatment, medication, hospitalization, care.
2. In the matter of D.W.G. Jacket No. J-3455-85. Opinion dated June 26, 1987. In the Superior Court of the District of Columbia, Family Division. Judge Curtis E. von Kahn. A teenage boy was mistreated in an out-of-town residential facility where he had been sent by the District. I testified concerning medication, restraint, involuntary treatment, and hospital treatment of a teenage child. The judge based his opinion on my testimony, removed the boy from the hospital, and required the District of Columbia to provide him outpatient care.
3. Cornish and Cornish v. H. T. Ballantine. Superior Court Middlesex, No. 82-6729. (circa 1987). Massachusetts. Malpractice. A man believed he had been injured by psychosurgery. I testified on the effects of various analgesic and psychiatric drugs, and psychosurgery, and on standards of care.
4. Novelli vs. State of Alaska. 1988. Anchorage. Malpractice. I testified in trial concerning standards of care, medication including neuroleptics (tardive dyskinesia) and benzodiazepines, and adverse drug effects.
5. A. J. Maness. v. District of Columbia. 1989. Competency hearing. I testified on the effects of frontal lobe damage on competence.
6. Ballard v. North Carolina. 1989. A child was raped by a man who broke into a motel and the motel was sued. I testified in trial on rape trauma in children.
7. Hurst V. North Carolina. 1989. Malpractice. A clinic was sued by the family of a young man who committed suicide. I testified in trial on behalf of the clinic and the doctors concerning clinic standards of care, medication treatment, depression and suicide, and involuntary treatment.

8. *Andre v. Somatics, Inc.* 5.31.91. Supreme Court: New York County: IAS: Part 29. Index No. 9220/87. Judge used my report to, citing it for several pages, to reject the ECT manufacturer's request for summary judgment in the product liability case against them.
9. *Pieretti v. Portland, Oregon. Malpractice.* 1991. A man believed he was injured by electroshock. I testified in trial on electroshock treatment, medication, and standards of care.
10. *Siegel v. H. T. Ballantine.* Superior Court Suffolk, Civil Action No. 77735. Massachusetts. 1991. Malpractice. A man believed he was injured by psychosurgery. I testified in trial on psychosurgery, analgesic and psychiatric drugs, and standards of care.
11. *Joe Richey vs. St. Elizabeth's Hospital (District of Columbia).* 1991. An elderly man who had been involuntarily hospitalized since his teenage years brought an action to be released from the hospital on the grounds that he was not mentally ill. He received a jury trial. I testified in trial on the effects of physical and sexual abuse on a teenager, and on the impact of multiple medications, electroshock, repeated sexual abuse, and chronic institutionalization on an adult. Jury found for the patient, declaring that he was not mentally ill, and by implication, that he was being abused.
12. *Kuss v. Houston, Texas.* 1991. Malpractice. A woman believed she was injured by multiple psychiatric drugs. I testified in trial concerning standard of care and multiple psychiatric drugs, including the benzodiazepine Xanax and the antidepressant Prozac, as well as the FDA approval process.
13. *Fleming v. Reid (CA) 4 O.R. (3d) 74 [1991] O.J. No. 1083 Action Nos 357/90 and 356/90 Court of Appeal for Ontario (Canada), Robins, Grange, and Carthy JJ.A.* June 28, 1991. Without my appearing, cited as "authorities referred to" my paper "Brain damage, dementia, and persistent cognitive dysfunction associated with neuroleptic drugs: Evidence, etiology, and implications," 1990, 11 *Journal of Mind and Behavior* 425.
14. *Piechotta v. Malpractice and Product Liability.* 1992. Philadelphia, Pennsylvania. A child developed tardive dyskinesia after treatment with neuroleptic drugs. After deposition testimony concerning neuroleptics, the FDA, and product liability of the pharmaceutical industry, my credentials in drug product liability aspects were challenged and the judge affirmed my status as an expert. The case was settled.
15. *State of Michigan versus Steven Leith.* 1992. Testified in trial on the effects of the antidepressant Prozac in regard to causing violence in a criminal case.
16. *A. Waddell v. North Carolina.* 1993. Malpractice. A child died after an accidental overdose of Dilantin. I gave trial testimony by video concerning standards for prescribing drugs and the toxic effects of Dilantin on a baby.
17. *State of New Jersey versus R. Biegenwald.* 1993. Testimony in trial for sentencing in capital

case. Testified on electroshock treatment, history of psychiatry, state mental hospitals, medications. Jury rejected the death penalty.

18. Jones v. Sacred Hospital. Oregon. 1994. Malpractice. A woman believed she was injured by electroshock. I testified in trial on the effects of electroshock treatment (ECT) and various medications.

19. Commonwealth of Virginia versus Grigsby. 1994. Craig County. A man committed a very violent murder while intoxicated with a variety of medical and non-medical drugs. I testified in trial on the effects of analgesics, alcohol, the antidepressant Prozac, the benzodiazepine Xanax and other medications on criminal conduct. The jury rejected the state's first degree murder charge and found second degree.

20. Fentress (the Wesbecker case) vs. Shea Communications; Jefferson Circuit Court. 1994. Louisville, Kentucky. Product liability. A man committed multiple murders within days of his doctor recording that Prozac might be making him psychotic. I testified in trial as an expert concerning pharmaceutical company negligence (Eli Lilly and Company), the FDA and the drug approval process, clinical trial evaluation, the spontaneous reporting system, and medication effects on behavior including the antidepressant Prozac and benzodiazepines. Sometime after my testimony, the case was secretly settled during the trial. The settlement was kept from the judge and the jury, while a watered-down case was delivered to the jury in exchange for the settlement. When the trial judge discovered the secret settlement after the trial was over, he changed the verdict to "settled with prejudice." The Kentucky Supreme Court found that Lilly had manipulated the court and might even have committed fraud; but the drug company was not prosecuted.

21. Commonwealth of Virginia versus G. Tribbett. 1994. Pretrial hearing. While taking Prozac, a man assaulted his neighbor. Without my appearing, the court accepted my written report on adverse effects of the antidepressant Prozac including the production of violence. The judge accepted allowed the defendant to make a lesser plea and to be released from jail. The judge accepted a lesser plea and allowed the defender to be released from jail.

22. Rohovit v. 1996. Iowa City, Iowa. A woman believed she was injured by electroshock treatment. I testified in malpractice trial on electroshock, drugs, and standards of care. I wrote a product liability report critical of the MECTA, the manufacturer of the ECT machine and the company settled.

23. State of Alabama versus Parker. 1996. A boy who had been given Ritalin as a child became addicted to stimulants as a teenager, and committed drug-related violence. I testified in a hearing before the judge on an Appeal of a Capital Punishment Verdict. My testimony covered the standard of care for psychiatry, drug addiction, and addictive effects of Ritalin on children.

24. Commonwealth of Virginia versus Amnulla Khaliqi. 1996. Fairfax, Virginia. A young man assaulted a policeman who aroused him from a stupor caused by multiple psychiatric drugs, including the benzodiazepines Ativan and Xanax, antidepressants, and neuroleptics. I testified

he was not in a state of mind capable of understanding his Miranda rights.

25. *State of North Carolina v. James Clark*, 1997. Winston-Salem. A man taking the antidepressant Effexor committed a violent crime. He was charged with sexual assault, abduction, kidnapping and other crimes that could have added up to several life sentences. His behavior was bizarre and out of character. Judge William Freeman accepted my report on involuntary intoxication with the Effexor and the case was disposed satisfactorily to the defense by a plea bargain. I did not make a court appearance.

26. *Accardo v. Cenac*. 1997. Baton Rouge, Louisiana. A woman developed tardive dyskinesia after treatment with neuroleptic drugs. I testified in the malpractice trial concerning neuroleptic drugs, tardive dyskinesia and dystonia, as well as antidepressants and benzodiazepines, the FDA, the pharmaceutical industry, standards of care, and adverse drug effects. The jury awarded \$1.3 million.

27. *Accardo v. Cenac*. November 6, 1998. Appeal 97 2320 (La. App. 1 Cir.) On appeal by the defendant, the judge cited my testimony and quoted from it extensively. Then, in an unusual turn of events, the appeals court doubled the award to the plaintiff.

28. *State of Florida v. Brancaccio*. 1997. A teenage boy committed murder while on the antidepressant Zoloft. I testified in trial concerning hospital negligence and adverse medication effects, including the antidepressant Zoloft and criminal behavior. The jury verdict was first degree murder. On appeal, the verdict was reversed on grounds that my testimony offered sufficient evidence of involuntary intoxication to require a specific jury instruction.

29. *State of Florida v. Brancaccio*. 1997. Citing my testimony, the appeals court concluded that the verdict should be overturned on the grounds that the judge should have given a specific involuntary intoxication instruction. *Victor Brancaccio Appellant*, 597 698 So. 2d. 597 22Fla. L. Weekly D1903. August 6, 1997.

30. *Commonwealth of Virginia versus Amnulla Khaliqi*. 1997. Fairfax, Virginia. A young man taking multiple psychiatric drugs assaulted a policeman. I testified concerning various drugs, including the benzodiazepines Ativan and Xanax, antidepressants and neuroleptics, and on the effects of Paxil and Prozac which he had taken earlier. He was acquitted of assault on the grounds of involuntary intoxication. This was the first application of the statute in Virginia.

31. *Heisler v. Andrew Barnes*, Circuit Court of Arlington County, Virginia, 95-1214, 1997. I testified in trial concerning closed-head injury, psychiatric diagnosis, and effects of medications, including antidepressant Zoloft. The patient was seeking damages from head injury in an automobile accident and a jury gave her a small award.

32. *State of Florida v. Amanda Faith*, 1998. A fourteen-year-old girl was charged with first degree attempted murder. I testified on involuntary intoxication with Prozac, the effects of child abuse, and other issues concerning the development of children. The jury rejected state's first degree attempted murder charge and came back with second degree.

33. Mitchell v. Upjohn, 1998. Los Angeles Superior Court. A woman believed she was addicted by prescription Xanax. I testified in product liability trial concerning the benzodiazepine Xanax, addiction, drug testing, clinical trial evaluation, and the FDA. Despite a vigorous challenge from the defense, the judge accepted my testimony on all issues. The case was lost and the verdict is being appealed.

34. Ungar v. Pike, 1998. No. 92 L 728. Chicago. State of Illinois in the Circuit Court of Cook County. A man committed suicide while taking the benzodiazepine sleeping pill, Halcion. I gave deposition testimony on malpractice and product liability, and trial testimony on malpractice concerning the standard of care in internal medicine in regard to mental health issues, on benzodiazepines and specifically Halcion as a cause of depression and suicide, on drug labeling by the FDA, clinical trial evaluation, and research in psychopharmacology. The drug company, Upjohn, settled prior to trial. The jury awarded the plaintiff \$1.2 million.

35. Commonwealth of Virginia v. Seager, 1998. Fairfax County Circuit Court criminal case. Testimony before judge in hearing for sentencing of a man who plead guilty to several daylight home burglaries for drugs over a few day period. At the time of the offenses, he was being treated for depression and alcoholism with the antidepressant Paxil, the benzodiazepine Restoril (temazepam ), and BuSpar (buspirone). I testified on the effects of these psychiatric drugs, as well as premature discharge from a drug rehab hospitalization, in worsening his alcoholism and causing drug-induced disinhibition with bizarre behavior. The official sentencing guidelines for the case spanned 2-6 years. The defendant had already spent 5 months in jail and the state sought an additional 4-5 year jail sentence. The judge, following my testimony, sentenced Seager to only 4 additional months, specifying that the purpose was to initiation of rehabilitation.

36. State of Missouri v. Chiodini, 1998. St. Louis, 22nd Judicial Circuit Court. Trial testimony in jury trial of criminal case. Jury reached a verdict of "Not Guilty By Reason of Diminished Capacity" in the case of man who had stood in front of his house with two pistols and fired upon a parked patrol car occupied by his wife and by a police officer who was slightly injured and returned fire. The morning of the incident, the defendant had been given the second in a series of electroshock treatments for depression on an outpatient basis. He was also taking five prescribed psychiatric medications, including Prozac. I testified concerning the effects of the antidepressant Prozac (also Paxil), the stimulant Ritalin, the benzodiazepine Klonopin, BuSpar, and Depakote. I focused on adverse effects on the brain of ECT and medications, including production of delirium with psychotic mania.

37. Marriage of Misetic, 1998; decision 1999. RFL 043 270. Superior/Municipal Court of State of California, Pomona, CA. I testified in court for respondent in a custody dispute over health care issues surrounding Ritalin for ADHD. My testimony covered medication, diagnosis, and child development. A decision in favor of the petitioner is being appealed.

38. A.M. v. Benes [1998] O.J. No. 4333 DRS 98-19171 Court File No. 03-0007/96. Ontario Court of Justice (General Division) (Canada). Sutherland J. October 28, 1998. Without my appearing, cited Fleming and Reid (1991) (above) with my paper on neuroleptics as

authoritative.

39. *Golding v. United States*, 1998, Bethesda, Maryland. I testified that a Navy serviceman's behavior was caused by a reaction to psychiatric medication.

40. Petition for Post Conviction Relief, Circuit Court for Baltimore County, State of Maryland. Case No. 95-CR-4402. *State of Maryland vs. Ben Garris*. 1999. A teenager was previously convicted of murder. I testified concerning the kind of expert testimony that could have been given at his trial concerning adverse drug effects, including Prozac, and criminal responsibility. The judge stipulated to my testimony as an expert.

41. *State of Indiana v. Michael E. Bailey*. February 2000. Criminal case. A man taking Xanax and Prozac committed a violent murder. I testified in court concerning the effects of many psychiatric drugs including Xanax, Prozac, stimulants, and analgesics, and also about the FDA approval and labeling process. I also testified concerning psychiatric diagnosis and the effects of child abuse.

42. *State of Connecticut v. DeAngelo*. February 2000. Criminal case. A man committed a series of bizarre robberies, including a bank robbery from which he fled by car amid a hail of police bullets. He was charged with first degree robbery and larceny. He had been prescribed Prozac for obsessive compulsive disorder and Xanax for anxiety disorder. I concluded that the combination of drugs caused his psychosis and his criminal behavior. The defendant waived a jury trial. According to the defense attorney, the judge relied on my report, as well as the reports of several other experts who reached similar conclusions. The judge determined that the defendant was suffering from a drug-induced mania and found him not guilty by reason of mental disease or defect.

43. *Wells v. Dr. John Cocker et al.* March, 2000. Court File No. 33501/92. Public Trustee File No. 102-687-907. Ontario Court (General Division). Malpractice suit involving neuroleptic drugs and tardive dyskinesia, as well as benzodiazepines and antidepressants. I testified as the medical expert on behalf of Ms. Wells in trial in March 2,000. Judge J. Philp qualified me as an expert on "(1) psychiatry including the use and adverse effects of psychiatric medication; (2) the reasonable standard of care of physicians prescribing psychiatric drugs including neuroleptics; (3) the reasonable precautions physicians should take in the prescription of and treatment with neuroleptic medication including Haldol; and (4) assessment, diagnosis and treatment of patients with Tardive Dyskinesia and the disabilities associated with Tardive Dyskinesia." Although I practice in the United States, the judge ruled that I possess the expertise to testify on the standard of care in Canada for physicians using psychiatric drugs. On June 16, 2000 Judge Philp found for Ms. Wells. Extensively citing my testimony, Judge Philp found the general physician negligent and that his negligence caused Ms. Well's tardive dyskinesia. He also found a psychiatrist negligent but determined that the negligence did not cause the tardive dyskinesia. This was a landmark tardive dyskinesia case—the first to go to trial in Canada.

44. *Bearden v. Ezell*. December 2000. South Carolina, Pickens County, Family Court of the Thirteenth Judicial District. The father (Bearden) wanted custody of his nine-year-old son in

order to remove him from residential treatment and to withdraw him from multiple psychiatric medications. Without appearing in court, I wrote an emergency medical report for the judge, including my finding that the child had early signs of tardive dyskinesia. After confirmatory opinions from local medical experts, the judge followed my recommendations and custody was awarded to the father. Working with local health professionals, I supervised the child's withdrawal from psychiatric medication.

45. *Glazer v. NE Illinois MRI et al.* December 6, 2000. District Court of Cook County. Malpractice against an internist (physiatrist) and an MRI center concerning the dose of the benzodiazepine Ativan (lorazepam) prescribed and given to an MRI patient for claustrophobia. The suit alleged that the over-sedation resulted in a car accident. I testified on benzodiazepine effects, on the FDA-approved label for benzodiazepines, and on standards of care for an internist (physiatrist) and an MRI technician in regard to medication. The jury awarded \$1.5 damages, found the plaintiff shared 44% of the responsibility for the auto accident, for a net award to the plaintiff of \$840,000.

46. *Johnston v. Ohl.* Circuit Court of Raleigh County, West Virginia. December 2000. The parents of a twelve-year-old boy wanted to remove him from a residential treatment facility where he was being held against their will by the West Virginia Department of Health and Human Services, and to have him evaluated and if possible withdrawn from multiple psychiatric drugs under my supervision, including neuroleptics. Without my appearing in court, based on my medical reports, the judge allowed the parents to remove him from a residential treatment center and specifically to have me supervise his treatment.

47. *Chiodini v. Deaconess Hospital et al.* in the Circuit Court for the City of St. Louis, Missouri, May 2001. Previously I had testified in the *State of Missouri v. Chiodini*, 1998 in which Mr. Chiodini was found not guilty due to drug- and electroshock-induced brain dysfunction (see above). Now I testified in the malpractice suit against the hospital and the doctor who had inflicted outpatient electroshock treatment upon him while he was taking Prozac, Ritalin, the benzodiazepine Klonopin, BuSpar, and Depakote. Following the shock treatment Mr. Chiodini had shot multiple times at a police car containing his wife and a police officer who returned fire and was slightly wounded during the exchange. I had completed most of my testimony when the judge called for a brief recess. During the recess, the defendant hospital settled the case without cross-examining me. The doctor had settled earlier in the trial.

48. *Franko v. Worthington et al.*, Court of Common Pleas, County of Philadelphia, Pennsylvania, June 2001. In 1988 a man died from the combination of Prozac, Ritalin and other drugs with the MAOI antidepressant, Parnate. I testified concerning the effects and interactions of Prozac, Ritalin, and Parnate, and also drug development and FDA regulation. The jury found for the defendant.

49. *Commonwealth of Virginia v. John Lowe.* July 2001. 28<sup>th</sup> Judicial Circuit, Abington, Virginia, Judge Charles H. Smith, Jr. presiding. A man who shot his estranged wife and a deputy sheriff was charged with many crimes, including kidnapping and malicious wounding. At the time of the incidents, he was being treated with Prozac, Remeron, and BuSpar. The judge

accepted my testimony in all areas, including adverse drug reactions, drug labeling, FDA procedures, and criminal responsibility, including involuntary intoxication.

50. Daye vs. University of Medicine and Dentistry of New Jersey et al. November 2001. Superior Court of New Jersey Law Division: Essex County. A woman was treated as an outpatient with neuroleptic drugs and developed severe tardive dyskinesia and tardive dystonia. The judge accepted my testimony in all areas. I was the only expert for the plaintiff and the case was settled satisfactorily in favor of the plaintiff before it went to the jury.

51. State of South Carolina v. Brooke Jewell. Before Judge Edward E. Cottinham, Charleston County General Sessions Court. November 15, 2001. Sentencing hearing for a 27 year old man with no prior history of violence who pleaded guilty to rape charges. I presented evidence that Paxil can cause mania with disinhibition and aggressive sexuality, and that a Paxil-induced Mood Disorder caused or contributed to his actions. The judge accepted my testimony in all areas, including SSRIs, Paxil, the FDA approval process and related topics. The judge concluded that Paxil did contribute to the man's crime and instead of sentencing him to life without parole, gave him a more limited 21-year sentence.

52. Commonwealth of Virginia v. John Lowe. November 2001 Sentencing Hearing. 28<sup>th</sup> Judicial Circuit, Abington, Virginia, Judge Charles H. Smith, Jr. presiding. See No. 49 above. I sent a letter to the judge for the Sentencing Hearing reaffirming my previous testimony concerning the effects of Prozac, Remeron, and BuSpar. Judge Smith gave Mr. Lowe a reduced sentence. In his written opinion, the judge specifically cited my testimony concerning the effect of the prescription drugs on his mental condition and behavior.

53. Kernke v. The Menninger Clinic. U.S. District Court for the District of Kansas, Judge Gerald Vanbebber. Case No. 00-22630GTV. December 11-12, 2001. In the case of a man who wandered off the hospital grounds and died of exposure, I testified concerning standards of care in a residential treatment center and a mental hospital ward, as well as the standards of conduct of physicians in charge of a drug-company sponsored clinical trial of an experimental drug, including the determination of inclusion/exclusion criteria, informed consent, coercion in the consent process, and the monitoring and reporting of potential adverse drug effects. I was the only plaintiff's expert. The jury found the Menninger Clinic negligent and gave an award to the family.

54. Burns v. Bain. Superior Court of Suffolk, Massachusetts, Department of Trial Court Civil Action, No. 00-1593B, March 6, 2002. Finding of Medical Tribunal in favor of the Plaintiff. The case involved the long-term administration of the benzodiazepine, Ativan. Based on my report, the tribunal found that evidence sufficient to "to raise a legitimate question of liability appropriate for judicial inquiry."

55. Commonwealth of Virginia v. John Porter, April 23, 2002. In a criminal trial before a judge, I testified concerning adverse drug effects in a man who became violent while taking the SSRI Zoloft and benzodiazepine Xanax. The judge found against the defendant but the case further established the validity of the involuntary intoxication defense in Virginia.



56. Zimmerman v. Cleveland Clinic et al., May 28, 2002. In a malpractice case before a jury concerning a woman injured by psychosurgery, I testified concerning the history of psychosurgery, standards of care for evaluating psychosurgery patients, medication and cognitive behavioral therapy for obsessive-compulsive disorder including SSRIs, clinical versus research practices, and the use of Institutional Review Boards (IBRs). The jury returned a verdict for \$7.5 million. Judge Burnside.

57. Frye v. Stretch, June 26, 2002. Circuit Court of Jefferson County, Mississippi. In a malpractice case against a pediatrician concerning the prescription of Ritalin, I testified concerning the standards of care for evaluating children and prescribing stimulant medication, as well as the adverse effects of Ritalin, including the potential for addiction to cocaine. The defendant prevailed.

58. State of Vermont v. Williams, July 2002. Vermont District Court, Orange County. In a case in which an 18-year-old boy assaulted a female friend while he was withdrawing from the antidepressant Paxil, Presiding Judge Marie Davenport held a Daubert hearing concerning my credentials and my scientific method, and strongly endorsed both. I testified by telephone on January 30, 2002 and the judge rendered her opinion on July 9, 2002.

59. Walls v. McDonough, 2002. Florida. I testified on the effects of Ritalin in causing paranoia and violence.

60. Ronnie Hall v. Behar, et al, January 9, 2003. Court of Common Pleas in and for the County of Chester, Pennsylvania, Civil Division, No. 01-0603. A malpractice suit in which a child was prescribed multiple psychiatric medications including neuroleptics from an early age, experiencing developmental delays, and tardive dyskinesia (I testified that the TD was largely resolved by trial). I testified on causation concerning the adverse effects of all of the varied medications including Risperdal, Zyprexa, Haldol, Ritalin, Dexedrine, Adderall, and minor tranquilizers, including Klonopin. One of the defendants settled prior to trial and the other two prevailed in trial.

61. Commonwealth of Pennsylvania v. James Taylor, April 2, 2003. Court of Common Pleas of Monroe County, Forty-Third Judicial District, No. 1004-1996. A criminal case in which a psychiatrist became manic while taking Prozac and assaulted his colleague. He was seeking Post Conviction Relief, asking for a reduced sentence, on the grounds that his behavior had been caused by an involuntary intoxication and would not be repeated with proper treatment. My testimony was accepted on all matters pertaining to SSRI-induced mania and abnormal behavior. At various times, he was taking Prozac, Paxil, and Luvox. The judge's decision is pending.

62. Commonwealth of Pennsylvania vs. Kevin Patrick Creegan, August 20, 2003. Court of Common Pleas of Lebanon County, No. 2002-11205. Mr. Creegan drove his automobile into an unsuspecting policeman for the purpose of knocking him down to obtain his gun to commit suicide. After striking the officer with his car, Mr. Creegan tried forcibly to obtain his gun but was subdued by the injured officer with the help of good Samaritans. Following my report

concerning the effects of Paxil on Mr. Creegan, the injured police officer and the state's attorney joined in requesting the release of Mr. Creegan after approximately one year in jail and a reduction in his overall sentence to 11 ½ months to 2 years, with 8 years probation. This was approved by Judge Robert Eby.

63. Alabama vs. Jackie Brown, Circuit Court CC00604.01-03, Gadsten, Alabama, August 26-29, 2003. While taking Paxil, Mr. Brown became involved in a shoot out with law enforcement officers who surrounded his isolated country home. Three officers were wounded (none seriously). Mr. Brown had two prior felony convictions from more than twenty years earlier, including one that involved violence that was not reported to me at the time of my initial evaluation. I found that Mr. Brown developed akathisia and a brief paranoid psychosis several hours before the shoot out and that the psychosis resulted from a mixture of Paxil withdrawal and toxicity. He had missed two days and then taken a dose on the day of the episode. He was also drinking alcohol. After a hearing, I was appointed and paid by the court as a "necessary expert" in the field of psychiatry and psychopharmacology, and was paid by the state by order of the court. However, immediately before my testimony, the state initiated and offered a plea bargain and three first degree attempted murder charges were reduced to assault. As a part of the plea bargain, he received a reduced sentence. The presiding judge was William H. Rhea, III.

64. Kim v. Group Health, November 2003. Superior Court of the State of Washington, King County, No. 01-2-19277-959A. A man developed tardive dyskinesia after being treated with the neuroleptics Trilafon (perphenazine) and Zyprexa (olanzapine), and with Paxil. I testified on causation and negligence. The trial ended with a hung jury.

65. Commonwealth of Pennsylvania v. Eric Gadsden, January 2004. Court of Common Pleas of Monroe County, Forty-Third Judicial District, No. 683 Criminal 2002. In the case of a man who shot and wounded his wife and a friend, I testified by video deposition concerning the role of Paxil and other SSRIs in causing violent and suicidal behavior. My testimony included discussions of the FDA drug approval process and interpreting the FDA spontaneous reporting system data. Hung jury on one count of attempted murder and not guilty on the second count. Guilty but mentally ill on aggravated assault charges.

66. Matley v. Minkoff, January 2004. Lowell, Massachusetts. A mentally retarded woman was treated with neuroleptics from age 18-22 and developed tardive dyskinesia. As the plaintiff's only expert, I testified concerning the treatment of mental retardation, neuroleptic drugs, and tardive dyskinesia. The jury found for the plaintiff and awarded \$200,000.

67. State of Michigan v. Christopher Bernaiche. Circuit Court for Wayne County, Detroit, Michigan, Case No. 03-01733. February 2004. A few days after his dose of Prozac was doubled, a twenty-six year old man was beaten up in a bar and returned to shoot five people killing two. I testified on the effects of SSRIs on violence and suicide, as well as the FDA drug approval process, drug labels, and drug company misrepresentation. The jury convicted on first degree murder. Judge Deborah Thomas.

68. Schultz v. Craig. Circuit Court of Wayne County, State of Michigan. October 2004. Malpractice suit concerning a man who died in an automobile crash while dependent upon and intoxicated with the benzodiazepine Xanax. Phenobarbital and amphetamine blood levels were also at issue. I testified on causation and on the FDA and drug labeling.

69. Ruth Kane, Competency hearing. Tompkins County Courthouse. December 2004. I testified concerning the competency of an elderly woman with dementia.

70. Kimberly Menzies as natural mother of Robert Menzies, a minor, v. Jose Foradada. February 8, 2005. In the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida. Case No: 00-9521 Division A. A child neurologist was sued for allegedly causing tardive dyskinesia in a minor in a case involving Mellaril and Risperdal. I testified concerning both drugs as well as the drug labels.

71. Salters v. Palmetto Health Alliance et al. Court of Common Pleas, Fourth Judicial District, State of South Carolina, County of Richland. June 2005. In April 2007, Judge L. Casey Manning of the Court of Appeals, with two other judges concurring, affirmed the jury verdict in the Salters case. They confirmed that Dr. Breggin is "an expert in ECT" and cited his testimony on the standard of care and damages in affirming the jury verdict. Unpublished Opinion No. 2007-UP-187 (6 pages). Available on [www.ECTresources.org](http://www.ECTresources.org). Dr. Breggin had already been involved in many settlements of ECT cases before trial. However, this case, with Dr. Breggin as the psychiatric expert, was the first known malpractice jury trial verdict in favor of a plaintiff injured by ECT.

72. Torres v. Torres. State of New Mexico, County of Taos, in the District Court. 2003-216DM August 19, 2005. Testified by telephone in hearing concerning the over-medication of a child and the need for me to further evaluate him. The medications included neuroleptics. Per my testimony, Judge ordered the medication stopped and authorized my further evaluation.

73. Morton v. Roberts. General Court of Justice Superior Court Division, Buncombe County, North Carolina. No. 03-CVS-3855. April 2006. Malpractice concerning Prozac and Xanax involving a dentist who lost much of his career. Jury found for the defendant.

74. Pomponio v. Weiser. Superior Court of New Jersey Law Division: Essex County Docket Number: ESX-L-0664-03. May 2006. Civil Action. Malpractice concerning Prozac and Xanax regarding a businessman who lost his business and wife. Settled for \$250,000 during my testimony.

75. Reynolds v. Anton. Civil Action No. 01A 76719-3. In the State Court of Dekalb County, State of Georgia, June 2006. Ritalin addiction and suicide. Jury found for defendant.

76. Texas v. Robert Rater. Two hearing to appeal criminal conviction on grounds that Xanax and other medications rendered him incompetent to manage his defense, 2007 and 2008.

77. Reinhardt v. Kaiser Foundation Health Plan, Inc., Kaiser Foundation Hospitals, Southern California Permanente Medical Group (143056-2). Arbitration No. 8078, 10-JV\_914. Testified in West Los Angeles in 2009. Hon. Marvin D. Rowen, Judicate West, testified on the role of Tegretol toxicity in causing a death. In binding arbitration, the judge awarded the plaintiffs \$696,674.

78. Colorado v. Van Damme. Criminal trial. Denver area. November 2010. I was qualified to testify on the role of the SSRI antidepressant Lexapro (escitalopram) in causing or contributing to violence.

79. Florida v. Mourra. Criminal Trial. F. Wesley “Buck” Buck Blankner. Stanton/Orlando, Florida. August 23, 2011. I was qualified to testify on the SSRI antidepressant Zoloft (sertraline) as a cause of violence during withdrawal from the drug.

80. Torrence v. Southwest Internal Medicine, In the County Court of the 9<sup>th</sup> Judicial Circuit in and for Orange County, Florida. Case No. 2006CA11146. Division 37. Approved to testify on causation and negligence in malpractice case involving suicide on Zoloft and Xanax.

81. Manitoba v. a Youth. May 25, 2011. Canada. Judge Robert Heinrichs held a hearing to determine if a 17 year old who knifed a friend to death should now be sentenced as a juvenile or an adult. The hearing centered on my testimony that an involuntary intoxication with Prozac caused the boy’s violent assault on his friend. The judge qualified me as an expert in psychiatry and psychiatric medication. In his written opinion on September 16, 2011, in the case of “Her Majesty the Queen and C.J.P” (Citation #2011 MBPC 62), Judge Heinrichs concluded, “Dr. Breggin’s explanation of the effect Prozac was having on C.J.P.’s behavior both before that day and in committing an impulsive, inexplicable violent act that day corresponds with the evidence” (p. 18).

82. Rivera v. Babaknia, Superior Court of California, Orange County, Case No. 30-00101673. Approved to testify in malpractice suit involving suicide on Paxil and Xanax. January 24, 2012

83. Mazella v. Beals in the Supreme Court of the State of New York. November 21, 2012, a Syracuse jury awarded \$1.5 million in a suicide malpractice suit involving antidepressants, including Paxil and Effexor. I testified on general and specific causation, and on negligence in hospital and outpatient care.

84. Hollier v. Giant. May 2013. Case No 79061 in the District Court Lamar County Texas, 62nd Judicial District. I testified about a family doctor’s treatment of a cervical pain patient with morphine, methadone, propoxyphene, fentanyl transdermal system (Duragesic), and other sedative and analgesic drugs, including benzodiazepines Xanax and Valium, and abrupt withdrawal.

85. Baker v. Giant. November 19, 2013. State of Indiana in the Allen Circuit Court. Case No.02c01-1209-PL-79. Testified in malpractice case against a family doctor involving the suicide of a child taking Celexa. Testified about standard of care, adverse drug effects, causation and FDA procedures.

86. Angel v. Segal, State of Illinois, February 2014, in the Circuit Court of Cook County, Illinois, County Department, Law Division, No. 09 L 3496. I testified concerning autism and psychiatric drug treatment, including antidepressants Paxil and Zoloft and antipsychotics Zyprexa and Risperdal, in a case of tardive dyskinesia and tardive akathisia in a fifteen-year-old boy. The jury awarded \$1.5 million.

87. Topete v Sutter Health. Superior Court of the State of California for the County of Sacramento, No. 34-2011-00099829. June, 2014. I testified in a malpractice suit about the brain-damaging effects of ECT as well as adverse drug effects.

88. Sheridan v. Lehman, August 2014, Superior Court of New Jersey Law Division: Monmouth County, Docket No. MON-L-1913-11. Malpractice case. A man with no significant prior history of mental disorder committed suicide 16 days after he was prescribed Lexapro and Ativan by his internist. I testified on causation, including the scientific literature, FDA approval process, and drug labeling. The jury found for the defendant.

89. Amedia V. United States of America. Case Number 4:2011CV00378. August 22, 2014. Arizona District Court, Tucson, Division Office, County of Pima. Malpractice against the Veterans Administration for causing addiction to benzodiazepines and tardive dyskinesia. Testified concerning addiction and its treatment, FDA labels and approval process, and adverse effects of polydrug treatment including sertraline (Zoloft), bupropion (Wellbutrin), fluoxetine (Prozac), trazodone (Desyrel), temazepam (Restoril), venlafaxine (Effexor), propranolol (Inderal), oxazepam (Serax), primidone (Mysoline), benztropine (Cogentin), quetiapine (Seroquel), lorazepam (Ativan), diazepam (Valium), paroxetine (Paxil), olanzapine (Zyprexa), lamotrigine (Lamictal), mirtazapine (Remeron) and zolpidem (Ambien).

90. Archer v. Grange Insurance Associates August 20, 2014 in binding arbitration before the Washington Arbitration & Mediation Services, Case number 130530002. This complex case surrounded a brain injury sustained in an automobile accident with multiple symptoms of traumatic brain injury (TBI) that led to the prescription of the antidepressant Paxil and eventual suicide. I testified about causation, as well as irresistible impulse. The plaintiff's family was awarded \$55,900 of a possible \$125,000 insurance policy.

91. State of Utah v. Drommund. Second Judicial District Court, Farmington, Utah. January 13, 2015. Criminal Case Number 051701317FS. After a Frye hearing, the judge approved Dr. Breggin's qualifications as an expert in psychiatry and psychiatric medications. The case was an appeal of murder conviction on the grounds that the trial judge did not allow evidence on psychiatric drugs causing violence and murder, primarily Effexor (venlafaxine), but also Provigil, Zyprexa, Trazodone, and Depakote. See # 97 for the trial.

92. Morton v. PeaceHealth, malpractice, Circuit Court of Oregon in Lane County (Eugene). June 14, 2015. ORS21.160 (1) (D). Testified on causation concerning tardive dyskinesia (TD) caused by one dose of metoclopramide (Reglan) in an emergency room. [Patient had prior exposure to many doses of Phenergan (promethazine)].

93. State of Iowa v. Moffitt. Criminal number FECR276050. June 29, 2015. Testified about role of antidepressants bupropion (Wellbutrin) and trazodone in aggravating or causing violence and murder.

94. Ponzini et al. v. Monroe County et al., case number 3:11-cv-00413, in the U.S. District Court for the Middle District of Pennsylvania in Scranton. September 15, 2016. In the case of a 46-year-old man who committed suicide in jail after being restarted on the antidepressant Paxil, a federal jury awarded \$11.9 million including \$8 million in punitive damages against the healthcare provider and its individual personnel. The federal judge qualified me as a psychiatrist, psychopharmacologist and expert in the drug Paxil. I testified concerning the negligence and callous disregard displayed by the psychologist and psychiatrist who were working for the healthcare provider at the jail. I also testified on causation, not only concerning the acts of the psychologist and psychiatrist, but also the nurses and administrators of the healthcare provider. See [www.breggin.com](http://www.breggin.com) for more information.

95. Mazella v. Beals, May 8, 2017 (2014 NY Slip Op 08147 [122 AD3d 1358]) in Syracuse, New York. This was a retrial of a malpractice suit that previously resulted in a \$1,500,000 jury award in 2012 to the family of a man who committed suicide (see No. 83 above). The NYS Court of Appeals overturned the first trial because the judge allowed the jury to hear that the NYS licensure commission had censured the defendant doctor for many other cases. Dr. Breggin testified in the first trial that both the doctor's prescription of Paxil and his abandonment of his patient, both of which the doctor denied, contributed to or caused Mr. Beals' suicide. On the opening day of the second trial, a Frye challenge focused on the scientific basis of Dr. Breggin's planned testimony that (1) Paxil can cause suicide, (2) that SSRI antidepressants as a group can cause suicide, (3) that SSRIs can harm the patient's condition long-term, (4) that SSRIs can cause particularly violent suicides, and (5) that Paxil withdrawal is especially severe and can cause suicidal behavior. When the judge found that Dr. Breggin's scientific presentation in his affidavit met the Frye standard on all issues, the defendant settled the case the following morning. Dr. Breggin's affidavit and PDFs of the 37 papers he used to bolster his opinions are on his website, [www.breggin.com](http://www.breggin.com).

96. Commonwealth of Massachusetts vs. Michelle Carter. Juvenile ct. Div. Taunton session 15YO0001NE. March 21, 2017. In a Daubert hearing, the judge approved Dr. Breggin an expert in psychiatry and clinical psychopharmacology, in a case involving Prozac, Lexapro and Celexa as causes of abnormal behavior, including violence and suicide. Ms. Carter was charged with manslaughter for allegedly talking her boyfriend into killing himself. Dr. Breggin testified in mid-June in Taunton, Massachusetts. See # 98 for the trial.

97. State of Utah V. Drommund. See # 91 for earlier Frye hearing. July 10-11, 2017, Dr. Breggin testified about antidepressants causing violence in the criminal case. The verdict is pending.

98. Commonwealth of Massachusetts vs. Michelle Carter. See # 96 for earlier Daubert hearing. June 12-13, 2017. In addition to testifying about involuntary intoxication with Prozac and Celexa, Dr. Breggin testified about the effects on seventeen-year-old Michelle of abuse perpetrated against her by texting and phone calls from eighteen-year-old boy who committed

suicide. Dr. Breggin also testified concerning the effects on the young man of experiencing child abuse and witnessing domestic abuse in his own family. Michelle was convicted of manslaughter but received a light sentence (15 months in the local House of Corrections, stayed until lengthy appeals are finished). After her conviction and sentencing, Dr. Breggin wrote a Blog Series in six parts about the Michelle Carter trial, available on [www.breggin.com](http://www.breggin.com).

99. Commonwealth of Virginia vs. James Foringer. June 21, 2017, Circuit Court in Roanoke, Virginia. A respected reverend was charged with using a gun in a holdup. The impulsive act was committed in daylight at a pharmacy where he was well-known and easily identified as customer who had previously stopped by earlier in the day. Dr. Breggin testified that Rev. Foringer was suffering from an involuntary intoxication under the influence of a recently increased dose of Prozac and an overdose of prescribed oxycodone to which he was addicted. Dr. Breggin further testified that the two drugs have a special interaction that heightens their combined adverse effects. The defense attorney felt the judge lightened the sentence because of Dr. Breggin's testimony.

100. State of Ohio v. Luebrecht. January 4, 2018. In the court of common pleas of Putnam County, Ohio. Case No. 2005CR0047. A man on increasing doses of Wellbutrin and Effexor, as well as on Ativan and Zyprexa, drowned his 14-month old son in a bathtub. This was an appeal for a new trial based on new scientific evidence, asking the court "to set aside its judgment of conviction, and permit Defendant to withdraw his previously tendered plea of guilty to correct a manifest injustice."

101. Durand v. Sarver Family Practice. May 29, 2018. Court of Common Pleas of Butler County, Commonwealth of Pennsylvania. No. 2014-10067. Daubert-like hearing testimony. A 20-year old man committed suicide after starting Zoloft.

102. Durand v. Sarver Family Practice. June 19, 2018. Court of Common Pleas of Butler County, Commonwealth of Pennsylvania. No.:2014-10067. Trial testimony. A 20-year old man committed suicide after starting Zoloft.