

SECTION **B** METROPOLITAN

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COMMENTARY

**License tags at home**

Officials in Kansas announce that motorists can start registering vehicles online or by phone. **B-2**

**Mary Sanchez**

Jackson County diversion program is helping keep the mentally ill out of criminal court. **Opinion, B-7**

Mediation held for Courtney suits

Parties unable to divulge session details

By DAN MARGOLIES
The Kansas City Star

Just days before one of the cases was set to go to trial, the parties in the civil suits over Robert Courtney's cancer-drug dilution scheme met in mediation Monday.

The session was led by professional mediator and former Houston judge Susan Soussan, who was chosen by the parties after a judge last week urged them to try to settle their disputes through mediation.

The parties were under a strict court order not to divulge what happened at the session.

The session came three days before jury selection was to take place in the first of hundreds of lawsuits against drug makers Eli Lilly and Co. and Bristol-Myers Squibb Co. The case is scheduled for trial next Monday in Jackson County Circuit Court and is expected to last up to five weeks.

The lawsuit, brought by ovarian cancer patient Georgia Hayes, alleges that the drug companies knew or should have known that Courtney was diluting cancer medications because they were aware he was selling much greater quantities of drugs than he was buying.

Eli Lilly and Bristol-Myers Squibb contend they had no way of knowing of Courtney's scheme, which they describe as unprecedented. The companies have moved to have Hayes' lawsuit — and by extension, the other lawsuits — thrown out.

Eli Lilly, through a wholesaler, sold the cancer drug Gemzar to Courtney. Bristol-Myers Squibb sold him the cancer drugs Taxol, Carboplatin and Cisplatin.

Senior Jackson County Judge Lee Wells postponed a hearing on the companies' summary judgment motions, scheduled for last Thursday, after both sides agreed to his

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SUITS: Parties unable to divulge session details

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mediation suggestion. The hearing has been rescheduled for 1 p.m. today.

Barring a settlement, Wells will determine whether to let the Hayes case go forward. Because all the lawsuits involve identical legal issues, Wells' decision in the Hayes case will set a precedent for the other cases.

The plaintiffs consist of cancer patients or the families of cancer patients whose chemotherapy drugs were mixed by Courtney, a Kansas City pharmacist who ran

the Research Medical Tower Pharmacy.

Courtney's scheme came to light in August 2001 after oncologist Verda Hunter had samples from the pharmacy tested. The results showed they had been diluted.

Courtney pleaded guilty in February to adulterating, misbranding and tampering with chemotherapy medications. He is scheduled to be sentenced in December and faces up to 30 years in prison.

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