Bruesewitz *v.* Wyeth Inc.

PETITIONER

Russell Bruesewitz, et al.

RESPONDENT

Wyeth, Inc., fka Wyeth Laboratories, et al.

LOCATION

United States District Court for the Eastern District of Pennsylvania

DOCKET NO.

09-152

DECIDED BY

Roberts Court (/courts?court=Roberts Court)

LOWER COURT

United States Court of Appeals for the Third Circuit

CITATION

562 US 223 (2011)
(https://supreme.justia.com/cases/federal/us/562/223)

GRANTED

Mar 8, 2010

ARGUED

Oct 12, 2010

DECIDED

Feb 22, 2011

ADVOCATES

David C. Frederick (advocates/david_c_frederick)
for the petitioners

Kathleen M. Sullivan (advocates/kathleen_m_sullivan)
for the respondents

Benjamin J. Horwich (advocates/benjamin_j_horwich)
Assistant to the Solicitor General, Department of Justice, for the United States, as amicus curiae, supporting the respondents

Facts of the case

Two hours after Hannah Bruesewitz received her six-month diphtheria, tetanus and pertussis vaccine in 1992, she started developing seizures and was hospitalized for weeks. Hannah has continued to suffer from residual seizure disorder that requires her to receive constant care, according to her parents. When their daughter was three-years-old, Russell and Robalee Bruesewitz filed a petition seeking compensation for her injuries. One month prior to the petition, new regulations eliminated Hannah's seizure disorder from the list of compensable injuries. The family's petition was denied. Three years later, in 1998, the drug company Wyeth withdrew the type of vaccine used in Hannah's inoculation from the market.

The Bruesewitzes filed a lawsuit against Wyeth in state court in Pennsylvania. They claimed the drug company failed to develop a safer vaccine and should be held accountable for preventable injuries caused by the vaccine's defective design. A federal judge dismissed the lawsuit, ruling that the National Childhood Vaccine Injury Act protected Wyeth from lawsuits over vaccine injury claims. The U.S. Court of Appeals for the 3rd Circuit affirmed.

Question

Can a federal law shield vaccine manufacturers from certain product liability lawsuits in state court that seek damages for serious health problems suffered by children?

Conclusion

6–2 DECISION FOR WYETH, INC.

MAJORITY OPINION BY ANTONIN SCALIA

The NCVIA's "no-fault" compensation program preempts design-defect claims against vaccine manufacturers brought by plaintiffs seeking damages for injury or death caused by vaccine side effects.

6–2 DECISION

MAJORITY OPINION BY ANTONIN SCALIA

Plaintiffs are entitled to seek compensation for such injury or death by filing a timely claim in the U.S. Court of Federal Claims, which holds special jurisdiction over such cases.

Yes. The Supreme Court affirmed the lower court decision in an opinion by Justice Antonin Scalia. The majority reasoned that Congress had set up a special vaccine court as a way to provide compensation to injured children without driving drug manufacturers from the vaccine market. Justice Stephen Breyer filed a concurring opinion. Justice Sonia Sotomayor filed a dissenting opinion, joined by Justice Ruth Bader Ginsburg. Justice Elena Kagan took no part in consideration of the case.

Cite this page

"Bruesewitz v. Wyeth Inc." *Oyez*, www.oyez.org/cases/2010/09-152. Accessed 5 Nov. 2022.