

Kelly Ayotte  
Attorney General  
State of New Hampshire  
33 Capitol Street  
Concord, NH 03301

May 6, 2008

Re: Legislative Petition to Criminally and Civilly Prosecute Certain Pharmaceutical Manufacturers

Dear Attorney General Ayotte:

Freedom of Information Act documents from NH Medicaid, as published yesterday in Northcountry News (www.northcountrynewsnh.com), reveal that the atypical antipsychotic drugging [the newer antipsychotics such as Zyprexa (Eli Lilly), Abilify (Bristol-Meyers Squibb), Risperdal (Janssen), Geodon (Pfizer) and Seroquel (AstraZeneca)] of children in the Granite state has skyrocketed from under \$300,000 in 2000 to nearly \$4 million in 2007.

As you are likely aware, antipsychotics are psychiatry's most powerful medications with very little FDA-approval for children and include side effects ranging such as early death, diabetes, heart failure, psychosis, permanent muscle spasms and more.

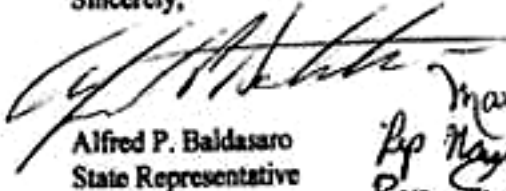
Last Summer, Bristol-Myers Squibb lost a \$515 Million settlement to the Boston branch of the US Attorney's Office for illegally marketing their antipsychotic Abilify for children and elderly dementia patients. Since New Hampshire splits Medicaid money with the federal government, we feel that our state should also be financially recompensed.

Eli Lilly lost \$1.2 Billion in settlements for causing diabetes in over 28,500 people with Zyprexa and Alaska just won a \$15 Million settlement from them. Per the New York Times and other media reports that included internal company documents, Lilly executives hid the drug's diabetes side effect from the FDA and general public. We feel that New Hampshire should also pursue a civil settlement.

The tone of the North Country News article was that we should also seek criminal prosecution for the executives of Eli Lilly & Co. who allegedly caused death and debilitation to many people with side effects that they illegally hid from the FDA, doctors and the general public. Any ordinary citizen would minimally be charged with manslaughter to second degree murder for such criminal negligence. It is very important to take such criminal action as the civil actions merely appear to be write-offs as business expenses to drug manufacturers in cases like Vioxx, Neurontin, Oxycontin, Paxil and those mentioned above. A criminal deterrent is needed to protect our children and others placed on powerful medications.

With that in mind, please strongly consider civil action regarding Zyprexa, Abilify and with other atypical antipsychotic manufacturers where appropriate. Even more importantly, please consider working with and urging the US Department of Justice to take criminal action against the executives of the Zyprexa manufacturer along with other pharmaceutical manufacturers where it appears appropriate.

Sincerely,



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