
The Lowe Law Firm Files Suit over Alleged Botox Overdose

Contributed by BusinessWire press release

St. Louis-based The Lowe Law Firm has filed a lawsuit on behalf of a man who experienced partial respiratory paralysis and other side effects after receiving an overdose of the Botox being used to treat his muscle spasticity.

The suit, Richard A. Hart v. Yi Pan, Tenet HealthSystem SL Inc., d/b/a St. Louis University Hospital and Allergan USA Inc., cause no. 0922-CC09485, was filed in St. Louis Circuit Court on Oct. 21.

The plaintiff, Richard Hart, suffers from a medical condition affecting his neck known as torticollis. In an effort to relieve muscle spasticity, Dr. Yi Pan of the St. Louis VA Medical Center prescribed Botox, made by Allergan USA Inc. (NYSE: AGN). Botox (onabotulinumtoxin A), produced by the bacterium that causes botulism, is highly toxic to humans.

Hart received 300 units of Botox on Aug. 20, 2007, 300 units on Sept. 20, 2007, and 400 units on Oct. 5, 2007. On Oct. 17, 2007, Hart reported breathing problems and difficulty swallowing; eventually partial paralysis of the respiratory muscles, general weakness, blurred vision, difficulty breathing and loss of the gag reflex developed as a result of the botulism poisoning.

On April 30, 2009, the U.S. Food and Drug Administration issued a news release announcing that a boxed warning would be required for the packaging of all botulinum toxin products, warning that toxins can spread from the injection site to other areas of the body, causing symptoms similar to those of botulism.

The lawsuit alleges that Dr. Pan was negligent because she failed to accurately monitor Hart's Botox doses, failed to adhere to the recommended dosage schedule, administered Botox in an unapproved treatment and failed to treat the overdose in a timely manner.

In his claim against Allergan, the patient alleges that the drug maker defectively designed and formulated the Botox and failed to warn consumers of the possibility that the toxin could spread outside the injection area and cause respiratory muscle paralysis.

Jeff Lowe, one of the St. Louis attorneys representing the plaintiff, noted, "Botulism is one of the most toxic substances known to man. My client suffers from botulism poisoning, a painful and terminal illness."

The Lowe Law Firm, based in St. Louis, handles personal injury, medical malpractice, pharmaceutical liability, product liability and commercial cases throughout the United States.