

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

MIASIA BARRON, et al.,	)	No. ED103508
	)	
Plaintiffs,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
and	)	
	)	
MADDISON SCHMIDT,	)	
	)	
Plaintiff/Respondent,	)	
	)	
v.	)	
	)	
ABBOTT LABORATORIES, INC.,	)	Honorable Steven R. Ohmer
	)	
Defendant/Appellant.	)	Filed: November 8, 2016

Abbott Laboratories, Inc. (Appellant) appeals from the judgment of the trial court entered upon a jury verdict in favor of Minnesota resident Maddison Schmidt (Respondent), a minor, brought by her adoptive parents Gary and Tammy Schmidt as her Next Friends, for personal injury. The jury awarded actual damages in the amount of \$15,000,000 and punitive damages in the amount of \$23,000,000.

**AFFIRMED.**

Division Two Holds: The trial court did not err in denying Appellant’s motion to transfer Respondent’s claims to St. Louis County because venue in the City of St. Louis was proper in that Respondent was properly joined with 23 other plaintiffs, two of which were first injured in the City of St. Louis under Section 508.010.4.<sup>1</sup>

The trial court did not abuse its discretion in denying Appellant’s motion to sever Respondent’s and the other plaintiffs’ claims, because the 24 plaintiffs’ claims were properly joined in that they arose out of the same transaction, occurrence or series of transactions or occurrences under Supreme Court Rule 52.05(a) and Section 507.040.1 and severance of the claims would not be in the furtherance of convenience or judicial economy, or avoid prejudice under Supreme Court Rule 66.02.

The trial court did not err in denying Appellant’s motions for directed verdict and judgment notwithstanding the verdict on Respondent’s failure to warn claim because sufficient evidence was presented for the jury to determine the Depakote warning label was inadequate as a matter of Minnesota law.

The trial court did not err in denying Appellant’s motions for directed verdict and judgment notwithstanding the verdict on Respondent’s demand for punitive damages because Respondent presented sufficient clear and convincing evidence for the jury to find Appellant

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<sup>1</sup> All statutory references are to RSMo 2012, unless otherwise indicated.

deliberately disregarded the rights and safety of others in its failure to warn prescribing physicians of Depakote's risks.

The trial court did not commit cumulatively prejudicial evidentiary errors in admitting an expert warning opinion, evidence of marketing and promotional materials, and evidence of Appellant's financial condition.

Opinion by: Sherri B. Sullivan, P.J.

Philip M. Hess, C.J., concurs; Roy L. Richter, J., concurs in separate opinion.

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Attorneys for Respondent: Douglas P. Dowd, William T. Dowd, John J. Driscoll, Christopher J. Quinn, Edward D. Robertson, Jr., Anthony L. DeWitt, Mary D. Winter

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.**