

November 9, 2009

In the Matter of Pfizer., a corporation, and Wyeth, a corporation
Docket No. C-4267
FTC File No. 091 0053

Dear Mr. Secretary:

My name is Scott Spielberg. My residence is in _____ Please refer to all documents in the possession of Michael R. Moiseyev at the Bureau of Competition for support of this letter.

I was one of thousands of people who filed claims due to the damages incurred while using Fen Phen, a weight loss drug manufactured by Wyeth Labs. The total text of my complaint lies within the documents held by Mr. Moiseyev. To sum up my objection to this merger, Wyeth engineered a scheme whereas thousands of complaints were lumped together into pools and settled using funds from 'inventory settlements', utilizing selected attorneys around the country and special 'gatekeepers' to keep the attorneys in compliance. These claims were not to be settled in pools, but were opt-out claims, those claims not included in the master settlement in Philadelphia. I had extensive surgery for a damaged heart valve, plus two subsequent surgeries for infections. My injuries were extensive. Please refer to the documents held by Competitions.

While investigating what had happened, I discovered, from an attorney in Reno, NV, that Wyeth had engineered the whole episode to avoid paying huge settlements to patients with extensive injuries. It was a nationwide scheme. The lawyers involved seldom paid these settlements to their clients, opting instead to hold the funds for themselves, sending them offshore to secret accounts. This is what happened in Kentucky. Those lawyers are in jail, receiving long sentences in Federal Court. The funds are still unaccounted for. 6500 people were not paid in AZ. I received only a fraction of what I was entitled to had I gone to court. It appears that many of the funds deposited by Wyeth into a settlement fund had found their way offshore into accounts of lawyers and possibly executives of Wyeth. I respectfully ask your office to refer these allegations to the Department of Justice for further investigation. The 22 billion dollar master settlement fund needs to be audited to determine where these funds are. They were not paid to many thousands of claimants, as the documents you will have can attest.

Allowing these two corporations to merge may create an entity that will never be controlled. Wyeth paid doctors large sums of money to promote their drug Fen-Phen, then shielded them from being sued by inserting clauses into the settlement papers shielding them from any liability. I was told that Wyeth had supposedly informed doctors prescribing this drug that it should not be prescribed for any length of time over 90 days. Yet, I was prescribed the drug for 5 years, which is why my heart damage was so extensive. It is a miracle I am still alive. I was under home health care for almost a year. My life changed dramatically; I am permanently disabled. I am on a regimen of drugs

which have to taken daily. This was all due to the deception of both Wyeth and the physicians they employed as their agents.

It seems Pfizer has had problems in this area, too. If drug companies are able to manipulate both the physicians and the attorneys to control costs associated with their products, what hope does the patient have to recover any damages? The whole system is 'rigged' from the beginning. Refer to the document sent to me by Mr. Parker, my first attorney. Wyeth sent a billion dollars to their agent, Paul Napoli, of Napoli Bern of New York, and settled my case from these funds. I was not informed of this. I thought I was receiving my settlement from negotiations with Wyeth, only after a thorough medical review of my case with experts familiar with heart valve surgeries. My case was settled with no review; the attorney had few documents and did not request the hospital records. I do not know the legality of all these transactions. My original intention was to file suit in Nevada, since my injuries were so extensive. I was also preparing to file suit against the doctor. Somehow, that was stopped by Mr. Napoli, under instructions from Wyeth. Wyeth held meetings in a hotel outside the airport in Las Vegas to instruct these attorneys how to shield doctors from legal action. Their meetings were successful, since few doctors were ever sued. The retainer agreements were also suspect. Attorneys were shielded from any actions against them from their clients. That is all laid out in the documents held by Competitions.

Wyeth disregarded all rights held by patients. They did things which I regard as illegal and very unethical. Some attorneys are now sitting in jail due to this scheme. Refer to the Kentucky documents. I am also asking that the Las Vegas and Phoenix US Attorneys become involved in this matter, because so many of the people involved are in their jurisdictions.

I was stunned to learn that only two judges on the panel were able to make a ruling concerning this matter. The remaining two judges had to recues themselves. I am not sure how much time was spent reviewing the documents I had supplied. I am asking your office to do that review and make a determination. I am available for any testimony or further information.

Please delay this merger until a thorough review has taken place. All the claimants need to be made whole. My documents support these claims. I am fearful many of the claimants will die before ever seeing a dime. People in Kentucky have yet to be paid; their monies are sitting in offshore accounts, with the US Attorneys there saying they are helpless in retrieving the funds back. Wyeth accepts no responsibility in the matter. They never have.

Thank you for your time.

Very truly yours;
Scott Spielberg