

Navajo

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Pueblo are seeking retribution against the pharmaceutical giant in the case. The plaintiffs say they sustained injuries from the prescription drug Rezulin, which is produced by Pfizer Inc.

Rezulin was used to treat people suffering from Type II diabetes. The drug was withdrawn from the market in March 2000 after it was linked with liver damage and liver failure in some people who had taken the medication.

The case came to the court after it was dismissed from a tribal district court on a question concerning jurisdiction.

Because the case involves off-reser-

vation companies, lawyers representing Pfizer at the Supreme Court hearing argued that it did not fall within tribal jurisdiction. According to Pfizer lawyers, there was not a specific relationship between the Navajo Nation and the drug company.

"We believe the appellants have confused subject matter and personal jurisdiction," Attorney Andrew Federhar said. "There is no case in the United States of America where a nonmember of a native American tribe has been subjected to the jurisdiction of a tribal court for their off-reservation activities."

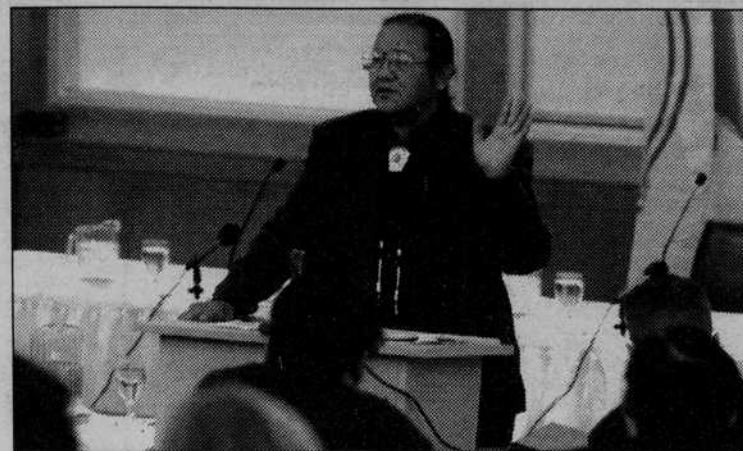
Federhar said Pfizer never distributed or marketed Rezulin on Navajo land, and therefore the company could not be held responsible for the

people's use of the drug.

Randolph Barnhouse, the attorney for the plaintiffs, told the court Pfizer had withheld information about the risks of Rezulin after it was distributed to the public. According to Barnhouse, Pfizer had made direct efforts to promote Rezulin on tribal land and therefore should be held accountable for the health problems of the tribal members.

The case was heard by Acting Chief Justice Lorene Ferguson, Associate Justice Marcella King-Ben and Associate Justice by designation Leroy Bedonie. A decision on the case will be announced at a later date.

Contact the reporter at aimeerudin@dailyemerald.com.



Greg Wahl-Stephens Photo pool

Navajo Supreme Court Chief Justice Robert Yazzie gives opening remarks at the Navajo Supreme Court proceeding Thursday evening.

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