

(Cite as: 952 So.2d 129)

Wyeth-Ayerst Laboratories v. Caldwell Miss., 2005.

Supreme Court of Mississippi.

WYETH-AYERST LABORATORIES, Robert F. Cooper, II, M.D., Jerry A. Fortenberry, M.D., Calvin T. Hull, M.D., Louisa Lawson, M.D., and Harold Wheeler, M.D.

v.

Doris CALDWELL, Susan H. McCarty, Jim H. McCarty, Jr., Julia Campbell, Archie Campbell, Carolyn Winters, Bobby G. Winters, Macy Houston and John F. Houston, III.

No. 2003-IA-01390-SCT.

Jan. 27, 2005.

Background: Seven prescription drug users joined claims and brought action against drug manufacturer and prescribing physicians, alleging injuries resulting from fraudulent warnings and misrepresentations regarding potential risks of drugs. Manufacturer filed motion to sever claims. The Circuit Court, Jones County, [Stephen B. Simpson](#), J., denied motion to sever. Manufacturer sought interlocutory appeal.

Holdings: The Supreme Court, [Waller](#), P.J., held that:

(1) it is not the general philosophy of joinder rules to allow virtually unlimited joinder at the pleading stage, abrogating [American Bankers Insurance Co. v. Alexander](#), 818 So.2d 1073, [Prestage Farms, Inc. v. Norman](#), 813 So.2d 732, and [Illinois Central R.R. v. Travis](#), 808 So.2d 928, and

(2) prescription drug users failed to satisfy single transaction or occurrence requirement of rule of civil procedure governing permissive joinder.

Reversed and remanded.

[Graves](#), J., concurred in result only.

[Randolph](#), J., concurred in part and in result.

[Easley](#), J., dissented.