

(Cite as: 952 So.2d 129)

Wyeth Laboratories v. JamesMiss.,2005.

Supreme Court of Mississippi.

WYETH LABORATORIES, A. Keith Lay, Jr., M.D., A. Keith Lay, Sr., M.D., et al.

v.

Lonelle JAMES, et al.

No. 2003-IA-01255-SCT.

June 30, 2005.

Background: Forty-two plaintiffs filed a products liability case against the manufacturer of two diet drugs, 15 physicians who prescribed the drugs, and eight pharmacies who filled prescriptions for the drugs. The Circuit Court, Smith County, [Robert G. Evans](#), J., severed the claim of lead plaintiff and denied defendants' motion to sever the claims of all plaintiffs and to transfer venue. Defendants sought interlocutory appeal.

Holding: The Supreme Court, [Smith](#), C.J., held that plaintiffs failed to establish that their claims arose out of the same transaction or occurrence, for purposes of determining propriety of permissive joinder of parties.

Reversed and remanded.

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

[Easley](#), J., concurred in part and dissented in part.

[Graves](#), J., filed an opinion concurring in result only.