

Australian woman wins thalidomide hearing: court

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A woman born without arms or legs on Monday won the right to have the class action she is leading against the firms behind thalidomide, a sedative blamed for birth defects, proceed in Australia.

The Supreme Court of Victoria dismissed German chemical firm Grunenthal's request to have the hearing in Germany or stayed, saying "it cannot be said that (the state of) Victoria is a clearly inappropriate forum".

Lynette Suzanne Rowe is leading the class action on behalf of those born in Australia from 1958 to 1970 who have suffered since birth from a congenital malformation and whose [pregnant mothers](#) took [thalidomide](#).

The 49-year-old alleges that her condition was caused by her mother's consumption of thalidomide drugs and has taken her case against Grunenthal, British-based distributor The [Distillers](#) Company and Diageo Scotland to court.

Justice David Beach acknowledged that Rowe and most of her witnesses were in Australia.

"Further, she suffered injury in Victoria and all of the evidence concerning the consequences of her injuries is in Australia, if not in Victoria," he said.

Beach also noted that Grunenthal had argued that all of the relevant facts

concerning the development of thalidomide occurred in Germany, all the documents are in Germany and most, if not all, are in German.

Further, all of the witnesses Grunenthal would want to call come from outside Australia -- again, the bulk being in Germany.

"There can be no doubt that there are substantial connecting factors between this proceeding and Germany," Beach said.

"However, in my view, the proceeding also has a substantial connection with Victoria. Having considered all the relevant connecting factors, I am unable to conclude that Victoria is a clearly inappropriate forum."

Rowe's family, who have cared for their daughter since birth, pleaded for the case to be heard as soon as possible.

"Let Lyn have her day in court. Please don't cause any more delay just for delay's sake," her father Ian Rowe told reporters.

"Time is not on our side... I'm almost 80. We really need to know how Lynette will be provided for when we can no longer do it ourselves."

More than 100 thalidomide victims are reportedly now part of the class action for the case, which is expected to be heard in Melbourne next year.

Thalidomide was launched in the late fifties and sold in nearly 50 countries before being withdrawn later after babies began showing the severe side effects of the drug, such as the absence of arms and [legs](#).

There were an estimated 10,000 children born with deformities as a result of their mothers taking the drug.

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