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J&J Ordered to Pay \$57 Million Over Injuries Tied to Pelvic Mesh

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(Bloomberg) -- Johnson & Johnson was ordered to pay \$57.1 million to a Pennsylvania woman who blames its vaginal-mesh inserts for damaging her organs and causing chronic pain in the largest verdict against the company over the devices.

A jury in state court in Philadelphia found the company and its Ethicon unit liable for \$7.1 million in compensatory damages and \$50 million in punitive fines for defectively designing the devices that injured 51-year-old Ella Ebaugh. The case is the fourth mesh lawsuit to come to trial this year in Philadelphia. In April, a jury in the same Pennsylvania court ordered the company to pay \$20 million in damages to a woman who said the mesh caused her “stabbing pain.” J&J still faces more than 55,000 cases across the country over the inserts, designed to treat incontinence and shore up weakened pelvic muscles, according to securities filings.

Kristen Wallace, an Ethicon spokeswoman, said on Thursday that the unit will appeal the verdict over its TVT line of mesh inserts.

“Ethicon acted appropriately and responsibly in the research, development and marketing of the products, and the products were not the cause of the plaintiff’s continuing medical problems,” Wallace said in an emailed statement.

J&J, has lost at least six jury awards totaling more than \$90 million over the mesh inserts since 2014. The company has won several cases, including a 2015 lawsuit in Texas over its Prosima inserts, and settled others. J&J is appealing some losses.

Market Withdrawal

In 2013, J&J voluntarily pulled four lines of mesh inserts, including the TVT-Secur device, off the market after facing a wave of litigation. Ethicon is the J&J unit that sells the mesh.

The decision to stop selling the inserts came six months after regulators ordered J&J and more than 20 other makers of such devices to conduct further studies about their health risks.

Ebaugh, a warehouse clerk, said two TVT-mesh inserts eroded almost immediately after being inserted 2007 to treat her incontinence. She was forced to undergo multiple surgeries in an attempt to remove

them, her lawyer, **Kila Baldwin**, told jurors during the case. The devices mangled her urethra, Baldwin said.

J&J's attorneys countered that Ebaugh's doctor warned her about the risks of erosion and she decided to push ahead with the surgeries. J&J has consistently maintained that alleged injuries from the devices aren't due to a defective design.

"We were pleased that the jury recognized the reckless nature of J&J's conduct in regard to its mesh and hope the company will make some changes in its business practices in the wake of this verdict," Baldwin, a lawyer with Kline & Specter PC, said in a phone interview.

The case is Ella Ebaugh v. Ethicon, No. 130700866, Court of Common Pleas Philadelphia County (Philadelphia).