



J&J Tagged With \$7M Punitives In Pa. Pelvic Mesh Case

By Dan Packel

Law360, Philadelphia (December 22, 2015, 12:02 PM ET) -- Jurors on Tuesday hit a Johnson & Johnson unit with \$7 million in punitive damages, on top of \$5.5 million in compensatory damages, in the first case over the company's Prolift pelvic mesh product to be tried in Philadelphia's mass tort program.

After the jurors concluded their second set of deliberations, Johnson & Johnson and its Ethicon unit immediately said that they would appeal the verdict from the three-week trial of a case brought by Indiana woman Patricia Hammons.

"We believe the evidence showed Ethicon's Prolift pelvic organ prolapse repair kit was properly designed; Ethicon acted appropriately and responsibly in the research, development and marketing of the product; and Prolift was not the cause of the plaintiff's continuing medical problems. We have always made patient safety a top priority and will continue to do so," Matthew Johnson, director of communications of Ethicon, said in a statement.

Hammons' May 2013 suit alleged that shards of the Prolift mesh, which was implanted between her bladder and vagina in 2009 in an effort to correct sagging of her internal organs, became implanted in her bladder. She accused Ethicon scientists and officials of overlooking negative side effects associated with Prolift and hiding the risks from her implanting surgeon.

Ultimately, 10 of 12 jurors concluded that the company failed to warn her implanting surgeon of the risks of the product, and that its negligence in designing the implant resulted in her inability to have sex. They also found that the company should be subject to punitive damages.

After hearing arguments on Thursday afternoon about the appropriate size of these damages, the jurors deliberated for roughly two hours before settling on the \$7 million figure on Friday.

The case is the first of 180 in Philadelphia's mass tort program over pelvic mesh products.

"We have to take them one at a time," Hammons' attorney Shanin Specter said Thursday.

There are also approximately 8,000 pelvic mesh suits pending in New Jersey state court and 35,000 in federal court.

Hammons is represented by Shanin Specter, Lee Balefsky, Kila Baldwin and Michelle Tiger of Kline & Specter PC and Adam Slater of Mazie Slater Katz & Freeman LLC.

The defendants are represented by Susan Robinson of Thomas Combs & Spann PLLC, Matthew Moriarty of Tucker Ellis LLP, Molly Flynn of Drinker Biddle Reath LLP, and Tarek Ismail of Goldman Ismail Tomaselli Brennan & Baum LLP.

The case is Hammons v. Ethicon Inc. et al., case number 130503913, in the Court of Common Pleas of the State of Pennsylvania, County of Philadelphia.