Vigna Law Group: Transvaginal Mesh Manufacturers Shifting Blame

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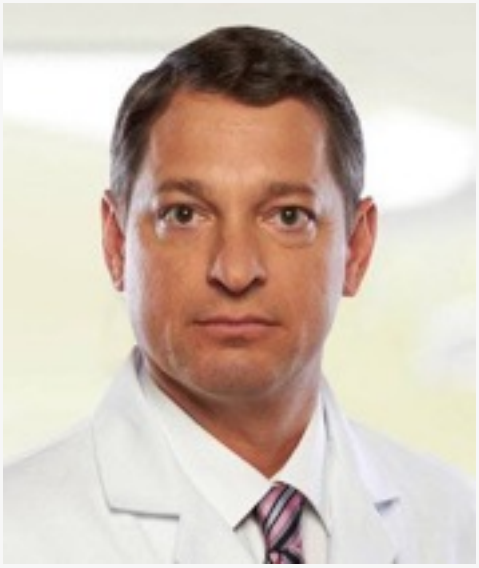

SANTA BARBARA, CA, UNITED STATES, June 25, 2020 /EINPresswire.com/ -- Manufacturers including Ethicon, Boston Scientific, and Coloplast in the Transvaginal Mesh (TVM) Multidistrict Litigation in the Southern District of West Virginia have paid tens of millions of dollars to law firms in defense of lawsuits filed against them for injuries to women from transvaginal mesh products. Those manufacturers must look past the millions of dollars they have paid in the litigation. So must the law firms and focus on the question that may have become the elephant in the room: Have the Boards of Directors of the manufacturers been informed that transobturator slings are unreasonably dangerous and that continued marketing of the devices will not be in their economic interest as the expense of litigation is set to climb exponentially after the protections of the MDL are lifted?

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> *Dr. Greg Vigna*

Butler Snow, LLP, a defense firm in the TVM litigation recently published an article in JDSupra that relates to their ill-founded need to investigate plaintiff firm third-party funding as a source of “hypothetical” conflict between the law firm and their clients that have raised the cost of litigation. What is not hypothetical and very apparent is that the defense firms in the TVM MDL failed to provide competent representation for their clients and have acted with greed and self-interest as they seemingly have failed to communicate to their clients that their transobturator slings and mini-slings are trash.

Greg Vigna, MD, JD, practicing physician, national pharmaceutical injury attorney, and Certified Life Care Planner explains, “Defense firms did save their clients billions of dollars as they knew plaintiff firms had far too many clients, a huge majority of which were erosion cases that would

never be profitable to litigate so they were able to negotiate deals at huge discounts with big plaintiff firms to settle their dockets. Defense firms also knew that the MDL would keep the most injured women away from the courthouse for years and by attrition the most injured would be forced to settle their claims for pennies on the dollar because of financial hardship."

On April 16, 2019 the FDA moved to ban the remaining TVM devices used in the treatment of POP products from the market, a move by the FDA that is rarely necessary as dangerous devices are removed voluntarily by manufacturers because they become economically not viable to produce because of litigation expenses and costs of payment in settlements given that their products have injured so many women.

Dr. Vigna adds, "Clearly the defense firms in the TVM litigation have failed their clients in that they did not alert them that their pelvic organ prolapse (POP) devices and transobturator (TOT) sling devices are trash devices that cause catastrophic injuries. Clearly the most prudent course of action would have been to strongly lobby their clients to remove these devices instead of using the MDL to sweep up injured women and have their path to the courthouse blocked. Defense firms were in the superior position to tell their clients that POP devices and TOT devices are defectively designed and that no warning will be able to protect future liability. Defense firms were at best incompetent by relying on those defense experts in the litigation who have been labelled by Courts in California and Australia as biased and unreliable or at worse acting under the conflict of greed and their love for the hourly fees."

Dr. Vigna concludes, "Our first wave of litigation for women with neurological injuries caused by Boston Scientific TOT and POP devices is approaching courtrooms across the country in 2021. A second wave is forming. Unlike some law firms in the MDL, my firm focuses only on the neurologically injured victims of TVM devices which cause pudendal neuralgia, obturator neuralgia, ilioinguinal neuralgia, and Complex Regional Pain Syndrome. These cases involve serious injury cases given the cost of future medical care, vocational disability, and the compelling story of pain and suffering these diagnoses bring. We are litigating cases against Ethicon, and that docket is growing as women in the MDL are seeking counsel and new injuries occur. Our purpose is clear that we intend to litigate TOTs including the obturator mini-slings off the market until the last of the TOTs undergo compete mesh revision. There is no foreseeable scenario that will prevent that and it should have occurred years ago. Defense firms would like to shift the blame of the cost of litigation on various third-party funding legal financing in spite of the fact that logic and reason places the blame on themselves and their clients."

Dr. Vigna is a California and Washington DC lawyer who focuses on catastrophic neurological injuries caused by transvaginal mesh devices including pudendal neuralgia, obturator neuralgia, ilioinguinal neuralgia, and Complex Regional Pain Syndrome. He has clients filed around the country with Martin Baughman, a Dallas Texas firm. Ben Martin and Laura Baughman are national pharmaceutical injury trial attorneys in Dallas, Texas.
https://www.jdsupra.com/legalnews/discoverability-of-third-party-10343/

For articles, video resources, and information visit the Pudendal Neuralgia Educational Portal (https://pudendalportal.lifecare123.com/) or https://tvm.lifecare123.com/.
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