

Ethicon hit with another TVT lawsuit: Pathway to remove retropubic slings from the market

Dr. Vigna discusses the details of another Ethicon TVT lawsuit and expands on his position to fight for the justice of women harmed by these defective devices.

SANTA BARBARA, CALIFORNIA, UNITED S, September 10, 2021 /EINPresswire.com/ -- "We have a strong line of cases with serious neurological injuries from retropubic slings which will be analyzed in some cases under the consumer expectation or risk-utility test depending on the jurisdiction. Recent rulings on the requirements for what constitutes a safer alternative design to a polypropylene device have been reassuring as we press on to the courthouse for those with symptoms of neurological injury from retropubic slings, mini-slings, and full-length transobturator slings. Our position represents the truth about polypropylene slings and vaginal mesh devices and it is time the manufacturers compensate the most injured. That includes our recent filing in New Jersey State Court" (BER-L-5745-21)...Greg Vigna, MD, JD



Dr. Greg Vigna

Justice Traynor in *Escola v. Coca-Cola Bottling Co.* (1944) wrote:

"Even if there is no negligence, however, public policy demands that responsibility be fixed wherever it will most effectively reduce the hazards to life and health inherent in defective products that reach the market. It is evident that the manufacturer can anticipate some hazards and guard against the recurrence of others, as the public cannot. Those who suffer injury from defective products are unprepared to meet its consequences. The cost of an injury and the loss of time or health may be an overwhelming misfortune to the person injured, and a needless one, for the risk of injury can be insured by the manufacturer and distributed among the public as a cost of doing business."

Dr. Vigna, national pharmaceutical injury attorney, practicing physician, and Certified Life Care Planner states, "Justice Traynor has stated our purpose and we are working hard for women with symptoms of pudendal, obturator, and ilioinguinal neuralgia as they deserve protection under the law and we are reassured with recent court decisions as to the evidence required to be



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produced by the Plaintiff on what constitutes a safer alternative to prove a design defect in a majority of jurisdictions across the country."

Design defect per New Jersey Law:

"A plaintiff with a design defect claim only needs to prove the manufacturer's product was not reasonably safe, not that other design alternatives were completely safe. The phrase 'would have prevented the harm' within the state-

of-the-art provision logically must be read to mean prevented the degree of harm caused by the defendant's product, rather than the total elimination of risk."

Dr. Vigna adds, "Other courts outside of New Jersey have held that a feasible alternative design must eliminate the risks that injured the Plaintiff (*Mullins v. Ethicon, Inc.*). This is not a big issue with transobturator slings (TOT) as the 4th Circuit upheld that the retropubic sling can be a safer alternative design for the TOT." (*Campbell v. Boston Scientific*)

Dr. Vigna concludes, "The law is developing as to the questions related to safer alternative designs and we are in a position to make the logical arguments for the court to consider that the specific neurological injuries that retropubic and transobturator slings are known to cause that is supported in the medical literature for over a decade that was finally accepted by the American Urogynecological Society in 2020 when they created the term 'Extrapelvic pain' from the arms of mid-urethral slings." (American Urogynecological Society and the International Urogynecological Association Joint Position Statement on the Management of Mesh-Related Complications for the FPMRS Specialist)

The Vigna Law Group targets the below transobturator (TOT) slings and mini-slings that cause pudendal and obturator neuralgia:

Ethicon: TVT-O, Abbrevio

Boston Scientific: Obtryx, Solyx

Coloplast: Aris, Altis

The Vigna Law Group targets the below retropubic slings that cause ilioinguinal neuralgia, pudendal neuralgia, and Complex Regional Pain Syndrome:

Ethicon: TVT, TVT-Exact

Boston Scientific: Advantage Fit, Lynx

Coloplast: Supris

Dr. Vigna is a California and Washington DC lawyer with Martin Baughman, PLLC, a national

pharmaceutical injury law firm in Dallas, focus on the neurological injuries caused by transvaginal mesh devices, including pudendal neuralgia, obturator neuralgia, ilioinguinal neuralgia, and Complex Regional Pain Syndrome.

To learn more on the anatomical basis for TOT injury or irritation to the obturator and pudendal nerve and the treatments of obturator and pudendal neuralgia click here:

<https://vignallawgroup.com/ebooks/pelvic-mesh-pain/#page=59>

Download a [FREE EBOOK](#) on Vaginal Mesh Pain.

Stream [Podcasts](#) from the Vigna Law Group.

For articles, video resources, and information, visit the [Pudendal Neuralgia Educational Portal](#) or <https://tvm.lifecare123.com/>.

Visit our website for information regarding sling related complications:

<https://tvm.lifecare123.com/slingebook.html>

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https://www.augs.org/assets/1/6/Joint_Position_Statement_on_the_Management_of.99428.pdf

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