

20,000+ Lawsuits Have Been Filed in the Largest Hernia Mesh MDL

Plaintiffs' Co-Lead Counsel ramp up for a 3rd bellwether trial in October after a jury in the 2nd bellwether found for the Plaintiff on a design defect theory.

PENSACOLA, FL, UNITED STATES, June 26, 2023 /EINPresswire.com/ -- Levin Papantonio Rafferty (LPR) law firm announces that the third largest multidistrict litigation (MDL) in the country--MDL 2846 IN RE: Davol, Inc./C.R. Bard, Inc., Polypropylene Hernia Mesh Products Liability Litigation--has exceeded [20,000 case filings](#).

Defendant C.R. Bard is the largest hernia mesh manufacturer in the U.S. and manufactures numerous hernia mesh devices containing polypropylene. Bard uses a polypropylene, the manufacturers of which expressly have warned should not be used in human implants.



C.R. Bard is the largest hernia mesh manufacturer in the U.S. and manufactures numerous hernia mesh devices containing polypropylene, which manufacturers say should not be used in human implants.

Plaintiffs in this MDL allege that upon implantation in patients, the Defendants' defective polypropylene hernia mesh devices cause serious [medical complications](#), including bowel obstruction, testicular injury, and other damage to organs.

"Not only did the Defendants defectively design their hernia mesh products, but also, they failed to properly warn medical providers--and consequently, patients--of the serious risks, complications, and failures associated with these devices," said LPR Attorney Tim O'Brien, who serves as Plaintiffs' Co-Lead Counsel, along with Kelsey Stokes of Fleming, Nolen & Jez, LLP.

There have been [two bellwether trials](#) tried so far (2:18-cv-01509-EAS-KAJ and 2:18-cv-01320-EAS-KAJ). In both cases, when showed internal documents revealing the internal discussions about the inherent problems with the hernia mesh designs, the implanting surgeons testified they would not have used the Bard hernia mesh products. There has been one verdict for the plaintiff and one defense verdict. The third bellwether trial is set for October and concerns



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*TIM O'BRIEN, Attorney, Levin
Papantonio Rafferty*

Bard's top-selling hernia mesh products for sports hernias: the Perfix® Plug.

About the Bard Hernia Mesh MDL

The U.S. Judicial Panel on Multidistrict Litigation (JPML) issued an Order creating MDL 2846 on August 2, 2018. Under the Order, filed cases are centralized in the U.S. District Court Southern District of Ohio for discovery and pretrial proceedings under Judge Sargus.

"[All] of the actions share common factual questions

arising out of allegations that defects in defendants' polypropylene hernia mesh products can lead to complications when implanted in patients, including adhesions, damage to organs, inflammatory and allergic responses, foreign body," the JPML stated.

In less than five years, more than twenty-thousand patients have filed suit in the MDL alleging a range of bowel and testicular injuries resulting from the hernia mesh products. Behind only the 3M Earplugs MDL and the Johnson & Johnson Talc Ovarian Cancer MDL, the Bard hernia mesh MDL currently is the third-largest MDL in the country in terms of number of pending cases.

About Tim O'Brien

Attorney Tim O'Brien is a board-certified civil trial attorney who concentrates his practice in the areas of mass tort litigation, product liability, personal injury, wrongful death, and transactional liability. He has been appointed Lead or Co-Lead counsel in numerous product liability MDLs and has tried more than sixty civil cases around the country.

In September 2018, Mr. O'Brien was appointed by the United States Southern District of Ohio as Co-Lead Counsel for the Plaintiffs Steering Committee in MDL No. 2846, *In re Davol, Inc./C.R. Bard, Inc., Polypropylene Hernia Mesh Products Liability Litigation*.

O'Brien has been interviewed by and extensively quoted in *The Wall Street Journal*, *The New York Times*, *The Pink Sheet*, *Associated Press*, *Reuters*, *Bloomberg News*, and by *National Public Radio*, *CBS Radio*, and *Air America Radio*, as well as several European national news organizations in other product liability litigations where he was the lead counsel.

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