

\$500K Awarded to Man Whose Hernia Mesh Adhered to Internal Tissue in a Giant Ball

Ohio jury finds C.R. Bard Inc. and subsidiary Davol Inc. failed to warn of risks in one of the largest MDLs in the country.

PENSACOLA, FL, UNITED STATES,
November 10, 2023 /

EINPresswire.com/ -- Levin Papantonio Rafferty (LPR) law firm announces a [hernia mesh](#) bellwether trial victory after a jury found in favor of Plaintiff Aaron Stinson (Stinson v. Davol, et al. 2:18-cv-01022). According to Stinson's Complaint, the polypropylene hernia mesh he had implanted in 2015 stuck to tissue in his body, causing lifelong injuries, pain, suffering, emotional distress, and lost wages. An Ohio jury awarded Stinson \$500,000.



The polypropylene hernia mesh Stinson had implanted in 2015 stuck to his tissues, causing lifelong injuries

The bellwether trial concerned Bard's top-selling hernia mesh product for sports hernias: the PerFix® Plug. The verdict came after a trial that lasted around 2 weeks in the Southern District of Ohio.

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This verdict is very significant because it concerns Bard's best-selling mesh ever, the PerFix Plug, and it revealed how Bard misled American surgeons ...which put American patients at risk.”

*TIM O'BRIEN, ATTORNEY,
LEVIN PAPANTONIO RAFFERTY*

Stinson is represented by Timothy M. O'Brien of Levin Papantonio Rafferty, Kelsey L. Stokes of Fleming Nolen & Jez LLP, and Jeff Grand of Seeger Weiss LLP.

Stinson's trial was the fourth bellwether trial in (MDL) MDL 2846 IN RE: Davol, Inc./C.R. Bard, Inc., Polypropylene Hernia Mesh Products Liability Litigation. As of October 16, 2023, this multidistrict litigation (MDL) has 20,369 pending cases, making it the third largest multidistrict litigation (MDL) in the U.S.

In September 2018, 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.

"There have been a total of four Bard hernia mesh bellwether cases tried in the federal and state court jurisdictions. Three of those four have been plaintiff's verdicts," O'Brien said.

"This verdict is very significant because it concerns Bard's best-selling mesh ever, the PerFix Plug, and it revealed how Bard misled American surgeons about the problems with the product, which put American patients at risk."

The victory occurred despite Defendants' twice-failed motions for judgment, claiming Stinson had failed to provide enough evidence to support claims stemming from his injuries.

Stinson emerged the winner on several claims, including those of negligence, negligence for failure to warn, and strict liability for failure to warn. The Plaintiff's PerFix Plug, which was implanted in 2015 to repair a hernia, failed and stuck to tissues around the implant area. In 2017, he had no choice but to have the medical device removed. The surgery uncovered a massive ball--"approximately 2.5 cm in diameter of rolled up mesh"--adhered to his insides, the removal of which posed a tremendous challenge for doctors.

About the Bard Hernia Mesh MDL

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.

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.

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



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manufacturers of which expressly have warned should not be used in human implants.

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.

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.

Sara Stephens

Levin Papantonio Rafferty

+1 281-744-6560

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