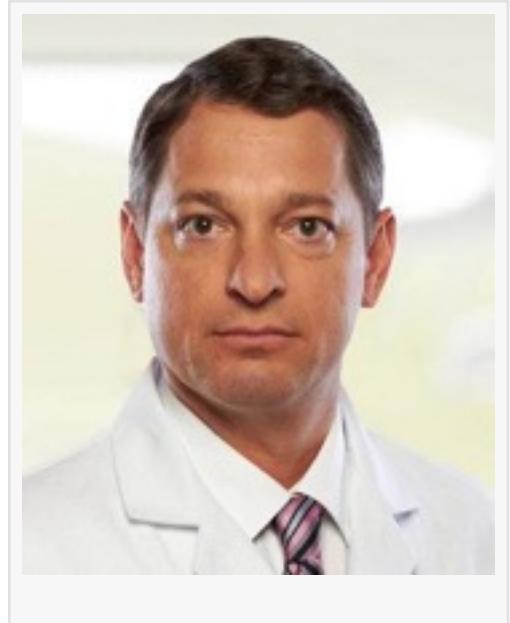


Transvaginal Mesh Aggregate Settlements Failed to Compensate the Most Injured

Matrix settlements provided little relief for women with catastrophic pain syndromes that lead to a lifetime of disability and need for ongoing medical care.

SANTA BARBARA, CA, UNITED STATES, June 4, 2020

/EINPresswire.com/ -- There is little dispute that the Transvaginal Mesh (TVM) Multidistrict Litigation (MDL) in the Southern District of West Virginia failed to provide a path to adequate compensation for the most injured victims. One of the purposes of product liability lawsuits is to protect the rights of injured persons by compensation for injuries caused by dangerous products placed in the marketplace. Another is to serve the public's interest in having access to safe and effective products. The fact that some of the most dangerous TVM devices remain on the market is itself evidence that one of the purposes of product liability litigation has not yet been completely served.



The women most injured by the TVM devices used in the treatment of pelvic organ prolapse (POP) and stress urinary incontinence (SUI), are those with neurological complications of these devices which create recognized catastrophic pain syndromes including pudendal neuralgia, obturator neuralgia, and Complex Regional Pain Syndrome. This conclusion is bolstered by the fact that the three neurological injury cases that have gone to verdict from the MDL—those with pudendal or obturator neuralgia—garnered an average verdict of thirty-seven million dollars.

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Dr. Greg Vigna

Matrix settlements uniformly provided little relief for women with the catastrophic pain syndromes that lead to a lifetime of disability and the need for ongoing medical care. In essence, the TVM MDL led to one of the most inequitable mass tort cases in US legal history.

Greg Vigna, MD, JD, practicing physician, national pharmaceutical injury attorney, and Certified

Life Care Planner explains several factors that led to the inequities in the TVM MDL:

"First, the MDL was focused on erosions, and despite the extensive discovery provided by the Plaintiff Steering Committee (PSC), the individual litigation of an erosion case is many times not economically viable because the monetary damages are generally small for these injuries compared to the costs to litigate the case which can be in the hundreds of thousands of dollars.

Second, an erosion case in some ways is more difficult to litigate than a pudendal and obturator neuralgia case because of the fact that many times when a medical device is implanted under the skin, it is subject to erosion. Pacemakers and some other medical devices can erode for instance. Pudendal neuralgia and obturator neuralgia cases allow for specific causation testimony as experts are able to describe how the defect of the device caused the injury, and evidence of safer alternative designs exists. Plain and simple, neurologically injured women many times have stronger cases from a litigation standpoint.

Third, the number of erosion cases compared to the smaller number but many times more serious neurological injury cases may make it economically unfeasible to litigate all of the cases."

Dr. Vigna adds, "It is clear by looking at the work product of the MDL there was little attention paid to those with pudendal and obturator neuralgia given that many of the expert reports in the MDL don't even mention the diagnoses in devices known to cause these injuries. Simply put, it appears to me that these injuries were not always worked up in the litigation. Our team is preparing these cases for trial."

On May 29, 2020, Martin Baughman, PLLC and Greg Vigna, MD, JD with local counsel filed a case in New Jersey Federal Court involving a woman with neurological injuries caused by Ethicon TVT-O that had been dismissed without prejudice with a tolling agreement after she had declined a settlement offer from an aggregate settlement (Case #: 2:20-cv-06561).

Ben Martin and Laura Baughman are national pharmaceutical injury attorneys in Dallas, Texas. Dr. Vigna is a California and Washington DC lawyer who focuses on catastrophic injuries caused by transvaginal mesh devices including pudendal neuralgia, obturator neuralgia, ilioinguinal neuralgia, and Complex Regional Pain Syndrome.

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

Click here for information regarding sling related complications:

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

Click here for a FREE BOOK on Vaginal Mesh Pain: <https://vignalawgroup.com/publications/>

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