

Boston Scientific Has Pacts To Settle About 37,000 Pelvic Mesh Device Claims

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(May 5, 2017, 1:00 PM EDT) -- MARLBOROUGH, Mass. — Boston Scientific Corp. on May 3 disclosed that as of April 26, it entered into master settlement agreements in principal or is finalizing settlements certain plaintiff attorneys to resolve about 37,000 of its 43,000 pelvic mesh lawsuits and claims.

In a Form 10-Q filed with the U.S. Securities and Exchange Commission, Boston Scientific said conditions for the settlements to become effective include achieving a minimum required participation by plaintiffs. Of the 37,000 cases and claims, the company said that about 12,000 have met settlement conditions and are final.

As of April 17, the Judicial Panel on Multidistrict Litigation reported that there are 15,287 federal pelvic mesh cases pending against Boston Scientific in a multidistrict litigation in the U.S. District Court for the Southern District of West Virginia, down from a historic high of 24,481.

Boston Scientific said that more than 3,100 cases have been assigned to the Middlesex County Superior Court in Massachusetts.

Counterfeit Class Actions

In addition to the mass tort docket, Boston Scientific said it also faces two class action lawsuits by plaintiffs who allege that the company used counterfeit or adulterated resin from China to make the mesh in its pelvic mesh devices and not brand-name, American-made mesh as specified in regulatory approval for the devices. It said one case was stayed to allow the Food and Drug Administration to issue a determination about the counterfeit allegations.

The company said the U.S. Attorney's Office for the Southern District of West Virginia has also requested information about resin used in the company's pelvic mesh devices.

Pelvic mesh devices consist of strips of mesh surgically implanted through the vagina to treat stress urinary incontinence or pelvic organ prolapse. Plaintiffs allege that the mesh can harden causing pain, bleeding, infection and painful sexual intercourse.

Other Pelvic Mesh MDLs

There are five other pelvic mesh MDLs in the Southern District of West Virginia and one in the Northern District of Georgia. Some other defendants have settled their cases.

The judge overseeing the West Virginia MDLs has written that it is the largest medical device litigation pending in the federal court system.

In many instances, manufacturers withdrew pelvic mesh devices from the market after the FDA required them to conduct post-marketing studies of their safety and efficacy.