

BREAKING: J&J Found Liable In 1st Philly Pelvic Mesh Case

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Law360, Philadelphia (December 21, 2015, 2:20 PM ET) -- A Philadelphia jury returned a \$5.5 million verdict against a Johnson & Johnson unit on Monday after agreeing that the negligence of scientists regarding pelvic mesh implant Prolift was the root cause of an Indiana woman's inability to have sex after having the product implanted.

The jury took almost two days to find that Ethicon Inc. was responsible for Patricia Hammons' contracting the condition known as dyspareunia, in the first of 180 cases in the mass tort program to go to trial.

The jury also granted Hammons' bid for punitive damages against the company, opening the door for additional arguments and evidence.

Hammons' May 2013 suit alleged that shards of the Prolift mesh, which was implanted between her bladder and vagina in 2009 in an effort to correct sagging of her internal organs, became implanted in her bladder. She accused Ethicon scientists and officials of overlooking negative side effects associated with Prolift and hiding the risks from her implanting surgeon.

The trial extended over two weeks, during which jurors heard Hammons' attorneys argue that Prolift's design was irredeemably flawed. They said the product incorporated far too much mesh with far too few holes, making it harder for healthy tissue to grow around it when implanted. Instead, the construction of the mesh prompted the growth of scar tissue, which contracts over time, pulling the mesh with it, and ultimately causes the vagina to shrink.

Ethicon's attorneys, however, alleged that Hammons' complaints were likely traceable to several other surgeries aimed at treating her condition, including a vaginal hysterectomy. And they said that pelvic implants made of polypropylene — the material in Prolift — had been evaluated and observed for years since gynecologists began using mesh designed for abdominal hernias in surgeries.

They also argued that Hammons waited too long to launch her lawsuit, and that she was aware of the connection between the mesh and her condition well in advance of two years before the May 2013 filing date.

Jurors in the case were subjected to a steady stream of deposition videos — more than 25, by the count of defense attorney Tarek Ismail.

Hammons is represented by Shanin Specter, Lee Balefsky, Kila Baldwin and Michelle

Tiger of Kline & Specter PC and Adam Slater of Mazie Slater Katz & Freeman LLC.

The defendants are represented by Susan Robinson of Thomas Combs & Spann PLLC, Matthew Moriarty of Tucker Ellis LLP, Molly Flynn of Drinker Biddle Reath LLP, and Tarek Ismail of Goldman Ismail Tomaselli Brennan & Baum LLP.

The case is Hammons v. Ethicon Inc. et al., case number 130503913, in the Court of Common Pleas of the State of Pennsylvania, County of Philadelphia.