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J&J's Ethicon wins Philly pelvic mesh trial

JUNE 12, 2017 BY [BRAD PERRIELLO](#) — [LEAVE A COMMENT](#)



A Pennsylvania state court jury reportedly cleared [Johnson & Johnson](#) (NYSE:[JNJ](#)) subsidiary [Ethicon](#) in the 4th pelvic mesh bellwether to go to trial in Philadelphia, despite finding that the company's TVT-Secur product was defectively designed and that Ethicon failed to warn of its

risks.

Kimberly Adkins sued in 2013, alleging that the TVT-Secur mesh she was implanted with in July 2010 to treat urinary incontinence caused her injuries. After a 12-day trial, a jury in the Philadelphia Court of Common Pleas agreed with Adkins' defective design and failure to warn

claims, the panel decided that her injuries were not caused by the device, according to [news reports](#).

“Despite our disappointment on the issue of causation, we are grateful that the jury found that that the TVT-Secur product was both defective in design and warnings,” Adkins’ attorney, Bryal Aylstock, told [Mesh News Desk](#) via email.

Aylstock told the website that Adkins plans to move for a new trial, based on Ethicon’s stipulation that TVT-Secur caused at least some of her injuries.

Ethicon spokeswoman Kristen Wallace told [MassDevice.com](#) via email that the use of surgical mesh to treat stress urinary incontinence “is backed by years of clinical research and is considered by most doctors to be the gold standard treatment.”

“The jury decided in favor of Ethicon and determined that the company’s product did not cause the plaintiff’s injuries. The jury did not award any damages in this case,” Wallace wrote.

It’s the 1st win in the Philly court for J&J, which was [hit in April with a \\$20 million blow](#) in the 3rd bellwether to go to trial there. Another Philadelphia jury also found for the plaintiff, [awarding \\$13.5 million](#) in February 2016; a Pennsylvania state judge in January [upheld that verdict](#). And in December 2015, a jury [added \\$7 million in punitive damages](#) to the [\\$5.5 million in compensatory damages](#) it leveled against Ethicon in the 1st of the [mass tort](#) cases.

Ethicon has [asked the U.S. Supreme Court to review another pelvic mesh loss](#), after losing an appeal of the \$3.3 million verdict over its TVT-O pelvic mesh. A jury in the U.S. District Court for Southern West Virginia [found for Jo Huskey in September 2014s](#). A federal judge later [shot down Ethicon’s bid to overturn the verdict](#) and denied the company’s move for a new trial; [Ethicon then appealed](#) to the U.S. Court of Appeals for the 4th Circuit, which [denied the appeal](#). Ethicon’s petition for *certiorari* to the Supremes, [filed May 23](#), alleges that the appellate court improperly excluded product review evidence after misreading the relevant precedent.

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