

Media advisory

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Mostyn Law wins court order barring Boston Scientific from destroying evidence

- **Texas judge targets surgical mesh implant provider**
- **Case against Boston Scientific continues in federal court**

HOUSTON — A state district judge has issued an order that prohibits Boston Scientific Corp. from destroying suspect material used to make surgical mesh implants that allegedly have harmed thousands of women.

The Jan. 31 order by Harris County District Court Judge Jaclanel McFarland bars the company from disposing or altering its supplies of a polypropylene resin that Boston Scientific obtained from sources in China. The company turned to a foreign supplier after the U.S. manufacturer concluded that the plastic resin should not be used in the human body and refused to provide it for surgical mesh. A related federal racketeering lawsuit filed last month accuses Boston Scientific of conspiring with its Chinese supplier to import a counterfeit version of the U.S.-made resin, known as Marlex.

In addition to ordering the company to retain its supply of the suspect resin, the Houston judge ordered the company to avoid destroying or altering “records, invoices, shipping data, customs forms, communications with suppliers” and other documents that could shed light on Boston Scientific’s Chinese supply chain. The court order came at the request of Houston-based Mostyn Law, the same firm that filed the federal lawsuit.

In both cases, attorneys Steven and Amber Mostyn are representing women who have suffered severe discomfort, bleeding, infections, painful intercourse, urinary problems and other complications from the plastic mesh implants, which are used to treat urinary incontinence and shore up pelvic organs.

The Houston lawsuit accuses the Boston Scientific of negligence. The federal lawsuit, filed in Charleston, West Virginia, last month, is believed to be the first that invokes the Racketeering and Corrupt Organizations Act (RICO) against a company that makes vaginal surgical mesh. The RICO statute is typically used by federal law enforcement agencies to target organized criminal gangs.

Late last month, U.S. District Judge Joseph Goodwin directed the plaintiff in the federal case to ask the Federal Drug Administration for a determination on the safety of Boston Scientific products. Goodwin suspended action on the case in this court but retained jurisdiction to give the FDA time to act.

For more information and copies of the federal suit and related filings see:

<https://vaginalmeshclassaction.com/>

The case is styled Stevens v. Boston Scientific Corp., et. al., 2:16-0265, U.S. District Court, Southern District of West Virginia (Charleston).

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About Mostyn Law

The Houston-based firm is one of the country's leading civil litigation firms, headed by Steve Mostyn and Amber Anderson Mostyn. Their work has focused on representing clients who have been victims of negligence, bad faith or other wrongdoing by medical device manufacturers, pharmaceutical companies, insurance companies and others.

Steve, a graduate of the South Texas College of Law, is a founding member of the Texas Association of Consumer Lawyers and former president of the Texas Trial Lawyers Association.

Amber, a graduate of the University of Texas Law School in Austin, has been an adjunct professor at Texas Wesleyan Law School and at South Texas College of Law.

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