

Source: Product Safety & Liability Reporter: News Archive > 2018 > 03/12/2018 > Product Liability > Medical Devices: Evidence of Earlier Device Problems OK in Clot Filter Trial

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**Medical Devices**

**Evidence of Earlier Device Problems OK in Clot Filter Trial**



By Julie A. Steinberg

C.R. Bard Inc. can't exclude evidence of complication with an earlier version of a blood-clot trapping filter that's the subject of an upcoming product liability trial.

The company's alleged knowledge of problems in its "Recovery" IVC filter is relevant to plaintiff Sherr-Una Booker's suit over the newer G2 filter, the U.S. District Court for the District of Arizona said.

Booker's trial is set to start March 14. Hers is the the first test trial in federal multidistrict litigation including more than 3,500 suits.

An IVC filter is placed into the inferior vena cava, the largest vein in the body. The filter is meant to catch blood clots that break loose from a deep vein in the legs and prevent them from traveling to the heart or lungs.

Plaintiffs allege the filters are prone to breakage and can perforate the vein or migrate to neighboring organs.

Booker alleged she was injured by a Bard G2 IVC filter that fractured and partly lodged in her inferior vena cava.

The court in January allowed Bard to introduce evidence that the Food and Drug Administration had authorized the G2 filters for sale based on substantial equivalence to the Recovery filter.

Bard is expected to argue that it carefully tracked problems encountered with the Recovery, reported them to the FDA, and took steps to correct those problems in the G2, the court said.

"It is only fair that the plaintiffs be permitted to present evidence to support their claim that the Recovery was known to be more hazardous than Bard admitted publicly or to the FDA, and that it involved problems that weren't corrected in the G2," the court said.

Plaintiffs' attorneys include Gallagher & Kennedy. Defense attorneys include Nelson Mullins Riley & Scarborough.

The case is *In re Bard IVC Filters Prods. Liab. Litig. (Booker v. C.R. Bard, Inc.)*, 2018 BL 69825, D. Ariz., 16-00474, 3/1/18.

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**Snapshot**

- C.R. Bard G2 IVC filter fractured, plaintiff says
- Alleged issues with earlier device relevant to claims

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