

**PAIN, SERIOUS INJURIES, AND DEATH:**  
**The Frightening Complications of Transvaginal Mesh Implants**

## Transvaginal Mesh: What You Need to Know

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When we decide to undergo a medical procedure, we want to improve our lifestyle and the quality of our lives. Historically, certain medical procedures have been invented in response to a lifestyle challenge. Those procedures have a brief heyday, until it becomes apparent the side effects and complications that result are too great a cost for the good that has been done. By that time, though, many patients have suffered dramatic—sometimes catastrophic—injuries to their quality of life.

Nothing illustrates this more clearly than the recent history of transvaginal mesh implants to treat stress incontinence, pelvic organ prolapse, and other ailments.

Stress incontinence is a form of urinary incontinence—uncontrollable urination—that is caused by insufficient strength of the pelvic floor muscles. This could lead to an amount of urine loss caused by such things as coughing, sneezing, and lifting heavy objects. Stress incontinence is a common symptom of pelvic organ prolapse (POP), a condition when one or more pelvic organs falls out of place or is compressed due to weak pelvic muscles. POP is a fairly common complication after childbirth or abdominal surgery.

Many women choose to use popular consumer feminine products, such as disposable undergarments, to help them with their stress incontinence. For many women, these products are just a temporary solution.

Beginning in the 1990s, surgical methods were developed to help control or reverse POP and stress incontinence. Women began to have transvaginal mesh devices inserted into their bodies to assist them in dealing with stress incontinence. In one type of operation, a mesh sling composed of a variety of materials to create a hammock-like structure would be surgically inserted into a woman to support her urethra. Medical professionals make two small incisions. The procedure can take as little as 20 minutes.

But those 20 minutes can cause a lifetime of problems for women.

## Transvaginal Mesh: More Harm Than Good for Women

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As more and more women underwent transvaginal mesh surgery, more and more complaints arose. Some common complaints from using a transvaginal device include:

- Protrusion of mesh through the vagina
- Pain
- Infection in treated area

- Bleeding
- Painful intercourse
- Perforated organs
- Difficulty urinating

## FDA Warnings about Transvaginal Mesh

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In the United States, the federal Food and Drug Administration (FDA) has responsibility to regulate safety of medical devices of all sorts, including mesh implants.

In 2011, the FDA said there was little evidence that transvaginal implants helped pelvic organ prolapse. It also warned that patients could be subjected to some serious medical complications.

About 100,000 women received the surgical mesh in 2010. About 75,000 were implanted surgically. Between 2005 and 2007, there were over 1,000 reports of complications from the manufacturers.

When the FDA approves new drugs, clinical trial data is required. No such data is needed for medical devices such as transvaginal mesh. If the new device is similar to other products, manufacturers are given the approval to sell them.

Beginning in 1996, transvaginal mesh devices could be used for incontinence and in 2002, they could be used to treat pelvic organ prolapse.

The FDA has been criticized for its medical device approval process. Back in 2007, the Government Accountability Office said failure to reclassify medical devices through rigorous studies put patients' safety at risk. However, the FDA is bound to follow the rules established by Congress, and so it has been forced to approve some devices that later prove to be dangerous.

## Do You Need an Attorney?

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If you or a woman in your life has had the transvaginal mesh procedure and has suffered because of it, you should consider contacting an attorney.

At Hupy and Abraham, S.C., P.C., we pride ourselves on being honest and straightforward with our clients and potential clients. It doesn't benefit anyone to pursue litigation when a case isn't strong.

When manufacturers put an inferior product on the market, they should be held responsible for it. And if that product was not tested adequately, they should also be held responsible. It's also very important to secure evidence that the manufacturers knew about the product's serious risks, but did not share the information with the public or warn consumers.

The single best way to know if you need an attorney is to speak with one. Share the details of your case, bring any evidence you have, and simply tell your story. A lawyer from Hupy and Abraham, S.C., P.C., will respond to your story with the concern and compassion that you are entitled to receive. Our attorneys will examine your possible case, answer your questions, and let you know your legal options.

## Getting Compensation for Transvaginal Mesh Complications

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Why should you file a lawsuit following your transvaginal mesh procedure? A serious diagnosis and medical issue can result in enormous losses, both financial and otherwise. If someone else, such as a medical manufacturer, is responsible for your health condition, that company is also responsible for the costs your health condition incurs.

Specifically, you may be entitled to the following types of damages if a defective vaginal mesh device has harmed you:

- **Economic damages.** These damages include the actual money lost due to harm from a defective medical device. Economic damages include medical costs, lost wages, lost future income, and lost earning power.
- **Non-economic damages.** A serious medical condition caused by a defective device can greatly affect your life, your abilities, and your happiness. A negligent manufacturer may owe you compensation for any pain and suffering, mental anguish, permanent disabilities, loss of companionship, loss of consortium, or lowered quality of life.
- **Punitive damages.** If a company has been grossly negligent or if it is determined that the company has committed an egregious wrong, it may be asked to pay injury victims more money as a punishment and as a deterrent. The amount received for punitive damages varies widely.

In short, damages are meant to accomplish two major goals: to compensate the victims and their families for what they have lost, and to prevent similar incidents from happening in the future. By filing a defective device lawsuit, you are not only making sure that you receive what you are lawfully owed, you are also making sure that others don't suffer in the way that you have.

## What Should You Do If a Defective Transvaginal Mesh Device Has Harmed You?

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When you suffer an injury in a traffic accident that is someone else's fault, the steps you take to get better and pursue compensation are relatively straightforward. If you believe that a potentially defective medical device has harmed you, the path to justice can be much less clear.

While all defective medical devices are different, there are a few things that everyone should do if they believe they are the victim of a dangerous medical device:

- **Get the medical assistance that you need.** Nothing is more important than your health. If you believe a medical device is causing you health problems, illnesses, or adverse events, you should report your symptoms to a medical professional immediately and voice your concern that your health condition may be tied to that device. Not only will getting medical assistance considerably improve your chances of recovery and remission, it will also document your health issues in the event that you would like to file a lawsuit.
- **Don't hesitate to get a second opinion.** We can't state this enough: your health is the most precious thing that you have. If your doctor isn't convinced that your device is affecting your health, or if your doctor isn't taking your health concerns seriously, seek a second opinion.
- **Be compliant.** It is difficult to get compensation for illnesses and medical costs if you don't follow treatment plans and doctors' orders. It's also difficult to get well if you aren't listening to the medical professionals treating you.
- **Keep notes and records.** Take notes when you visit the doctor. Get copies of your medical records. Keep a diary of symptoms, illnesses, and health observations. Keep track of medical expenses and other monetary losses related to your defective device. All of the information you collect could be important to your possible lawsuit.
- **Talk to an attorney—or two—about your case.** Far too many defective device victims second-guess themselves or delay telling their stories. They do not realize that many medical attorneys offer free, private consultations or that a knowledgeable lawyer can analyze the evidence in their case and explain their legal options.

## Hiring an Attorney? Ten Questions to Ask During Your Consultation

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Even if you have decided that you want to learn more about your possible case, it can be difficult to know where to turn, whom to trust, and who will be your optimal partner and advocate. It is important to understand that not all attorneys have specific experience with regard to transvaginal defective devices. In addition, it is important to understand that different attorneys offer different experiences—and at different costs.

As a starting point, we've listed ten questions that you should ask potential lawyers before agreeing to work with them on your case:

1. Do you have experience handling transvaginal device lawsuits and other defective device lawsuits?
2. How do you conduct medical research related to cases like mine?
3. Do you use medical experts? If so, what are their credentials?
4. What do you believe are the most important aspects of a defective device lawsuit?
5. Can you share past defective medical device case results with me?
6. What are the strengths and weaknesses of my case?
7. What are my legal rights and what are my options for action?
8. Who in your office will handle my case? How will I contact you during my case?
9. What are your feelings on settling as opposed to going to court?
10. How do you bill your clients? What can I expect to pay if I win?  
What can I expect to pay if I lose?

Don't forget: it's not just experience and expertise that matter. In some cases, a lawyer's personality simply won't complement yours, or you may simply not work well with certain attorneys. If you don't feel comfortable with the attorney you meet, or if you don't feel confident about partnering with him or her, consider talking to someone else before making your decision.

## How Hupy and Abraham, S.C., P.C. Can Help

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At Hupy and Abraham, S.C., P.C., we are dedicated to helping those who have been harmed by defective medical devices—and we are committed to seeking justice for these victims and their families. We offer confidential, complimentary case evalua-

tions to anyone who has been affected by a dangerous medical device. Take the first step by contacting us today and we will take care of the rest.

There are five ways of contacting us today:

- Call us toll-free at 1-800-800-5678.
- Visit our website at [www.hupy.com](http://www.hupy.com).
- Fill out the electronic quick-contact form located on our website.
- Chat in real time with a real person by using the live chat option on our website.
- Stop by one of our offices, with eleven different locations in Wisconsin, Illinois, and Iowa.

## About Hupy and Abraham, S.C.

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Founded in 1969 in Milwaukee, Wisconsin, the personal injury law firm Hupy and Abraham, S.C., P.C., has a proven record of success with large settlements in serious cases, collecting hundreds of millions of dollars for thousands of satisfied clients. The firm has a long-established reputation of providing sound legal representation to accident victims, securing fair compensation for its clients, and giving back to the community.

The law firm, which has offices located in Iowa, Illinois, and Wisconsin, handles personal injury cases including car accidents, motorcycle accidents, wrongful death, and pharmaceutical and medical device class actions.

The firm's sixteen experienced attorneys are committed to going above and beyond the call of duty for their clients by tirelessly representing them to the best of their ability while being involved in the local community—from raising funds for local charities to participating in safety and accident prevention initiatives. In 2012, the firm donated more than \$200,000 to over 100 community organizations.

**Hupy and Abraham, S.C. has received top ratings from** a number of national and local professional organizations for many years and was voted ***Best Personal Injury Lawyers*** by the readers of the Shepherd Express in 2011 and 2012 and named ***Best Personal Injury Law Firm*** by voters in the WISN A-List poll in 2012.

To learn more about Hupy and Abraham, S.C., visit their website at [www.hupy.com](http://www.hupy.com).