BERGER MONTAGUE PC, SAUDER SCHELKOPF, AND MAZIE SLATER KATZ & FREEMAN ANNOUNCE CLASS ACTION LAWSUIT AGAINST ALLERGAN TO PROTECT WOMEN FROM THE INCREASED RISK OF CANCER RESULTING FROM TEXTURED BREAST IMPLANTS AND FOR ECONOMIC DAMAGES

August 19, 2019. PHILADELPHIA – The law firms of Berger Montague PC, Sauder Schelkopf, and Mazie Slater Katz & Freeman announce that a nationwide class action lawsuit has been filed against the medical device manufacturer Allergan to protect women with Allergan's textured breast implants from the increased risk of breast implant-associated anaplastic large cell lymphoma (BIA-ALCL), which has now been associated with Allergan's BIOCELL textured breast implants. The case is *Jane Doe I, et al. v. Allergan, Inc., et al.*, No. 2:19-cv-16784 (D.N.J.).

The United States Food and Drug Administration (FDA) recently requested that Allergan issue a recall of its BIOCELL textured breast implants and tissue expanders, and Allergan agreed and is removing these products from the global market.

According to the FDA, "Breast Implant Associated Lymphoma (BIA-ALCL) is not breast cancer - it is a type of non-Hodgkin's lymphoma (cancer of the immune system). In most cases, BIA-ALCL is found in the scar tissue and fluid near the implant, but in some cases, it can spread throughout the body. An individual's risk of developing BIA-ALCL is considered to be low; however, this cancer is serious and can lead to death, especially if not treated promptly. In most patients, it is treated successfully with surgery to remove the implant and surrounding scar tissue, and in some patients, also treatment with chemotherapy and radiation therapy."

The FDA requested that Allergan recall all of its BIOCELL textured breast implants and tissue expanders based on newly submitted Medical Device Reports (MDRs) reporting worldwide cases of BIA-ALCL and BIA-ALCL-related deaths associated with these implants. The FDA's "analysis was attributed to a new worldwide reported total of 573 unique BIA-ALCL cases including 33 patient deaths. Of the 573 cases of BIA-ALCL, 481 are reported to have Allergan breast implants at the time of diagnosis. In addition, 12 of 13 deaths occurring in patients with BIA-ALCL where the manufacturer was known occurred in patients implanted with an Allergan breast implant at the time of their BIA-ALCL diagnosis. The manufacturer and/or texture is unknown for the remaining 20 reported deaths from BIA-ALCL."

In addition, the FDA "analysis demonstrates that the risk of BIA-ALCL with Allergan BIOCELL textured implants is approximately 6 times the risk of BIA-ALCL with textured implants from other manufacturers marketing in the U.S. and continued distribution of Allergan's BIOCELL textured breast implants would likely cause serious, adverse health consequences and potentially death from BIA-ALCL."

"Our national class action lawsuit seeks to cover the costs associated with explanting the recalled textured breast implants and replacing them with non-recalled breast implants," said Plaintiffs' attorneys Joe Sauder and Matt Schelkopf of Sauder Schelkopf. "Our clients and the many women who have contacted us should not have to deal with the anxiety of living with a recalled breast implant. We look forward to fighting on their behalf in seeking a resolution that provides them with peace of mind."

"Our clients allege serious deficiencies in Allergan's reporting process concerning its textured breast implants and the link to BIA-ALCL," said Shanon Carson of Berger Montague PC, counsel for Plaintiffs. "Allergan should be covering not just the costs of replacement breast implants, but all expenses associated with the removal of the recalled textured breast implants, surgical and diagnostic fees, and medical monitoring and diagnostic procedures required as a result of patients' exposure to the increased risk of contracting BIA-ALCL. We look forward to litigating this case on behalf of our clients and women around the country, and their families."

More information about this case, *Jane Doe I, et al. v. Allergan, Inc., et al.*, No. 2:19-cv-16784 (D.N.J.), now pending in the U.S. District Court for the District of New Jersey, is available at www.bergermontague.com/cases/allergan-breast-implants/, including the FDA's statement dated August 7, 2019 and the precise list of recalled Allergan textured breast implant products.

Berger Montague PC is a national law firm headquartered in Philadelphia with additional offices in Minneapolis, Washington, D.C., and San Diego. The firm litigates complex civil cases and class actions in federal and state courts throughout the United States. Berger Montague has played lead roles in major cases for 49 years and has recovered over $30 billion for its clients and the classes they have represented.

Sauder Schelkopf LLC is a nationally recognized class action and personal injury law firm. The firm's partners currently serve as court appointed lead counsel in courts across the country and have been selected by the National Trial Lawyers Association as some of the Top 100 Trial Lawyers in Pennsylvania since 2012. The attorneys at Sauder Schelkopf have recovered over $500 million on behalf of their clients and class members.

Mazie Slater Katz & Freeman, LLC is among the most prominent trial law firms in the country, with its attorneys having won hundreds of millions of dollars for its clients. Mazie Slater has been appointed to lead roles in the representation of thousands of women throughout the United States who have been injured by various defective medical devices. Over the last decade, Mazie Slater has been at the forefront of the litigation against various pelvic mesh manufacturers and has obtained over $100 million in verdicts for the women it represents.

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