

More than 400 lawsuits dismissed to date

August 1, 2018

More than 400 lawsuits have been dismissed in the litigation involving the 3M™ Bair Hugger™ warming system.

Nearly all of the dismissals, which now number 464, occurred prior to the recent jury verdict in favor of 3M. On May 30, 2018, a federal jury deliberated for less than two hours in the first bellwether case involving the Bair Hugger system before reaching its verdict. The jury determined that the patient warming device is not defectively designed and did not cause the plaintiff's infection.

The large number of case dismissals are not a surprise to 3M's legal team, which expected that a significant number of the lawsuits filed in the multidistrict litigation would not meet the proper legal standards. More dismissals are expected.

The dismissals result from a variety of reasons:

- Plaintiffs are unable to substantiate their claims.
- Plaintiff's attorneys have voluntarily dismissed cases, including bellwether cases they nominated for trial.
- The Bair Hugger system may not have been used during surgery.
- Plaintiffs did not comply with orders of the court.