Baxter was represented by James R. Seale with Robison & Belser of Montgomery, Alabama, and by Patrick J. Lamb, Bonita Stone, Synde B. Keywell and Constance A. Caldwell with Katten, Muchin & Zavis of Chicago.

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Plaintiffs' Attorneys

ATTORNEYS SAY THERE ARE MANY MORE CLIENTS THAN CASES

Most plaintiffs' lawyers have many more clients than indicated by the number of cases they have filed. Some are waiting to see what happens in the various attempts at class certifications, and most are busy gathering data and examining the medical records of clients to obtain an independent confirmation that they actually are suffering from the illnesses they claim are afflicting them.

Robert Gordon with Weitz & Luxenberg of New York City said that, as of March 2, he has 340 retained clients and has filed two cases in federal court. He has been gathering data and examining records but, instead of waiting to see what form this litigation will take, he has been busy attending meetings around the country to contribute what he can to the shaping of the litigation.

Richard N. Laminack with O'Quinn, Kerensky & McAninch of Houston filed 78 cases the week the moratorium was announced. In a March 3 telephone interview, he said that he has approximately 325 clients — a "very conservative guess." He said that probably close to one-third or one-half of those cases have been filed. Laminack says he is not new to breast implant litigation. One of his cases, Tuttle v. Medical Engineering Corp. et al. (Dist. Ct., Jefferson Cty., TX, No. A129522), was filed Aug. 1, 1988, and has yet to be resolved. Plaintiff Ida Tuttle had implanted Medical Engineering devices in May 1986 following a bilateral subcutaneous mastectomy. She alleged her implants subsequently ruptured, resulting in serious and permanent damage.

(A copy of Tuttle's complaint is available from Andrews Document Access Service. Contact Alexandra J. Agapitides.)

Salvador Liccardo of San Jose, California in a March 3 telephone interview estimated that he has about 200 clients and that, thus far, he has filed about 110 to 125 cases. On another occasion, he said that one-half his clients have ruptured implants and all have autoimmune diseases. He added, "What these diseases have in common is that they're slow to develop, they're progressive, and they're incurable."

Lawrence S. Charfoos with Charfoos & Christensen of Detroit, in a March 3 telephone interview said that he had "several hundred" clients, but that he had only filed eight suits in state court and two in federal court, as his office continues to review the medical records of his clients.

Kenneth B. Moll with McDowell, Moll, Fitzgibbons and Drew, Ltd. of Chicago has also been involved in implant litigation for some time. In a March 2 telephone interview, Moll said that he now represents about 125 clients, with cases filed all over the country, many by local counsel. Among some of his cases that have been filed in the Cook County, Illinois Circuit Court are:

— Brooks v. Dow Corning Corp. (No. 91L05717), filed April 11, 1991
— Coyne v. Dow Corning Corp. (No. 91C4420; ND IL, No. 91L09934), filed in state court Feb. 6, 1991 and moved to federal court June 24, 1991
— David v. Mentor Corp. (No. 91L10333), filed June 28, 1991
— Hummel v. Surgitek/Medical Engineering Corp. (No. 91L07164), filed May 8, 1991
— Pitasi v. Dow Corning Corp. (No. 91L09420), filed June 14, 1991
— Rodriguez v. Surgitek/Medical Engineering Corp. (No. 91L07995), filed May 22, 1991
— Senf v. Baxter Healthcare Corp. (No. 91L15639), filed Sept. 27, 1991

(Copies of any of these complaints are available from Andrews Document Access Service. Contact Alexandra J. Agapitides.)

Bruce Finzen and Marti Wivell with Robins, Kaplan, Miller & Ciresi of Minneapolis said that, as of March 3, they were "investigating well over 100 cases." They only have one case in the courts at the moment, but they have been involved in breast implant litigation for at least four years, and many more cases will be filed in the near future.

Karen Koskoff with Koskoff, Koskoff & Bieder of Bridgeport, Connecticut is co-chair of the American Trial Lawyers Association's Breast Implant Litigation Group. Her offices estimated that she has about 40 clients as of March 3. Leonard L. Finz of New York City has about 50 clients and is fielding calls daily. Mike Gallagher of Houston said he currently is representing over 50 clients. Brian Lamb at Rheingold & McGowan, P.C. of New York City on March 4 said that, although his firm has interviewed about 300 women, at this point no cases have been filed and, as medical and statute of limitation questions are examined, only about a sixth of those potential lawsuits seem viable. Rheingold & McGowan took out an ad in local media beginning: "BREAST IMPLANTS. If you believe that you may have been injured through the use of any type of breast implants, we will be happy to discuss with you without charge the possibility of bringing a lawsuit."

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