

DANGEROUS INCIDENTS RESULTING FROM OVERBROAD COURT PROTECTIVE ORDERS PRODUCED BY PUBLIC JUSTICE FOUNDATION, SPONSOR OF SB 1149 (LEYVA) - the Public Right to Know Act - Prepared 4/27/22

	WHAT WENT WRONG, WHY, AND WHEN	SECURITY AGREEMENTS/PROT ORDERS, AND WHEN	DEATHS/SERIOUS INJURIES, AND WHEN	WRONGFULLY HIDDEN, or SIGNIFICANT FEATURES, AND WHEN	THOSE MOST IMPACTED
OXYCONTIN - PURDUE PHARMA	Opioid falsely marketed as non-addictive; Purdue recommended Drs increase dosing as much as 400% when pain not abated. Despite negative publicity, and a "black box warning" from FDA in 2010, Purdue kept marketing Oxycontin as safe.	WV sues manufacturer and state court issues blanket PO in 2004; dozens of other POs, including fed. judge in Cleveland PO covering over 2000 cases. <u>Blanket secrecy lasted at least 12 years.</u>	estimated <u>250,000 deaths, + another 250,000 deaths</u> from subsequent fentanyl and heroin addiction, from first use to exposure	<u>EVERYTHING shielded</u> from public scrutiny from 2002 to 2016 leak to LA Times, and <u>POs still not lifted even then.</u> Oxy still on market, though finally limited only to legitimate and controlled therapeutic uses. Purdue in bankruptcy.	Harm to <u>everyone</u> especially <u>poorer and working class people</u> without the resources to seek help
CAR SEAT BACKS - ALL CAR MANUFACTURERS	Outmoded 1968 gov't standard leaves front car seatbacks too weak, can't withstand rear-end impact. Seatbacks collapse back, projecting passengers. Rear passengers, including children in child seats, can be crushed to death. These outmoded standards <u>are still used by all car mfrs.</u> in most models.	Broad POs in almost every case, likely several 1000. One crashworthiness engineering company alone reports SAs or POs required in each of over 400 cases, all lasting after case close with document return & destruction required.	From 1990-2015 +/- <u>11,000 front seat deaths, 3,179 rear-seat deaths incl. 962 children. 90 children in CA. Paralysis or brain injury several times these #s. 100s more deaths since 2015.</u>	Example: GM. Internal docs show their false claim that "yielding" seats are safer than rigid. In 1992 a GM atty wrote that GM couldn't demonstrate it used "reasonable care" to reduce the risk of injury...." NTSA only now considering change after 50+ years	<u>Everyone</u>
ESSURE - BAYER	A supposedly safe metallic, non-surgical form of birth control had metal coils that dislodged or broke, leaving shards within the reproductive system, with dire consequences. Sales began in 2002, and Bayer knew of these dangers in 2008. As many as 1,000,000 U.S. women had Essure implanted.	Over 27,000 lawsuits consolidated in Alameda Co., with a PO allowing over 99% of the documents produced to be "lodged under seal." By 2020 Bayer was still fighting to keep secret documents that showed their awareness 12 years before.	Massive failures, leading to: miscarriages, perforated organs, inability to have children or have sexual relations, and at least 23 deaths as of 2021 according to FDA. Serious injuries in the 10s of 1000s. FDA had received over 67,000 reports of Essure failures by 2022.	During litigation Bayer designated over 99% of the documents produced as confidential, pursuant to a Court protective order, blocking the knowledge of the danger from the public. Only became public after Public Justice intervened in 2020.	<u>Women</u>

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MONSANTO - ROUNDUP	Weed killer Roundup, <u>first sold in 1976</u> , marketed as safe when main ingredient, glyphosate, is carcinogenic. By 1999 Monsanto knew glyphosate was dangerous.	Cases began in 2015-16. Monsanto wanted secrecy. SF Federal judge filed blanket PO in September 2017 permitting Monsanto to self-select whatever it wanted to be confidential , a/k/a secret from public.	Over 8,000 plaintiffs have made claims in state courts around the country, but the true number may never be known. The numbers of deaths are veiled in secrecy.	ALL FACTS shielded from public scrutiny for 20 years until some courageously leaked in 2020. Monsanto even had scientists ghost-write journal papers claiming glyphosate safety.	<u>Agriculture workers, gardeners, janitors, environmentalists. Roundup is still on the market.</u>
FISHER PRICE - ROCK 'n PLAY SLEEPER	Children's sleeper introduced in 2009. It was inherently unsafe: led to risk of death by asphyxi- ation when child's head leaned forward, restricting airways. <u>FP knew this early, since by 2011 both Canada and Australia had banned the sleeper. Yet FP continued to sell this dangerous product in the U.S. for 9 more years.</u>	Blanket protective order issued during litigation preventing truth from coming to light. Documents eventually accidentally leaked to Consumer Reports, less than a week after the report was published, Fisher Price recalled the sleeper, though still 90% of those sold are out in the public.	Consumer Reports obtained leaked documents that proved Rock'nPlay led to over 32 child fatalities. After CR exposure, FP recalled the product within a week, in April 2019. CR has documented over 100 child fatalities due to this product.	ALL safety studies and testing hidden by judicial protective order until product was recalled in 2019.	<u>Small children and their parents and families</u>
PELVIC MESHES - JOHNSON & J & 6 OTHER MFRS.	Pelvic meshes keep organs in place for women with "prolapse" & other degenerative pelvic conditions. Meshes erode body tissues, causing extremely painful issues, incl. sepsis, even death.	Multi-District Litigation in WV, vs. 7 manufacturers: <u>102,076 cases all covered by POs + 10,000 more in NJ.</u> At least 41,086 cases secretly settled in WV. One company with global secret settlement that says "no one shall ... REFER TO this Agreement."	Over 100,000 serious injuries: severe irritation, repeated infections, organ perforation. FDA's MAUDE database shows Amer. Med. Systems reported 215 deaths, J&J reported 21 more , other mfrs' exact death numbers not known .	After approval in 2002 , FDA recv'd 1000s of complaints and twice issued warnings that companies ignored, and cos. did not warn Drs. of dangers. In 2016, the FDA first began efforts to remove pelvic meshes from the market, now accomplished years later.	<u>Women</u>

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IKEA - MALM Dressers	Popular dresser sold for years posed unreasonably high risk of injury or death to children from tip-overs. First reported child death as far back as 1989, cases secretly settled in 2008 and 2009.	In 2016 IKEA settled a wrongful death lawsuit with secrecy agreement without full recall. Extent of other secrecy agreements not certain, but child deaths and EU intervention lead to conclusion of many more.	IKEA acknowledges 299 incidents of tipover causing serious injury in 144 children. IKEA stopped sales in EU but continued them in US. At least 4 children died in CA.D9	<u>EVERYTHING shielded from public scrutiny until 2018 when EU regulators investigated</u>	<u>Parents, families with young children</u>
COOPER TIRES	Tires didn't meet industry standard safety features to keep belts from separating. RESULT: belts separate, tires shred, cars lose control. Known to Cooper from the beginning.	Individual cases <u>all</u> had POs over a <u>20-year period</u> . Some POs cover large #s of cases at once, including one <u>LA judge w/ 100+ cases all under restrictive PO.</u>	Through 2017, at least 362 deaths, 49 in CA alone + 31 paralyses or brain injuries; 99 other serious injuries like loss of limb , and 100s more injuries.	<u>EVERYTHING shielded from public scrutiny from the beginning - over 20 years. POs STILL not lifted today even after cases close, including in CA case.</u>	<u>Anyone</u> who drives or rides in a car. Some defective tires still on the road.
GM COBALT & SATURN IGNITION SWITCHES	Defective ignition design allows cars to involuntarily turn ignition to "stall" position, causing loss of power steering and brakes, and preventing air bags from deploying.	GM settled cases secretly early, at least by 2008 , with at least 20 settled prior to public exposure of defect in May 2014 . Multi-district litigation in NY federal court remained under PO for years even after some public disclosure.	At least 174 deaths , although GM admitted only 15 deaths in acknowledging criminal liability. 275 injuries compensated directly through GM consolidated litigation; many 100s more injuries.	Defect existed for years without GM revealing it. No exposure of defect at all until one GA case uncovered that an engineer replaced the defective part for 2008 models but no one disclosed that change.	<u>Everyone</u> who drives or sits in these cars.
GOODYEAR - G159 TIRE SEPARATION	G159 tires designed for short-haul delivery trucks, but marketed for RVs, though GY knew tires couldn't withstand heat at higher speeds. RV tires separated, resulting in severe injuries and death.	Goodyear was sued close to 100 times for its G159s, and produced incriminating documents <u>as far back as 2006</u> , but all subject to POs that kept info secret for 12 years.	Goodyear admitted it faced almost 100 lawsuits, but was able to cover up problem for 20 years . Separations responsible for at least 9 deaths , scores of serious injuries	<u>EVERYTHING shielded from public scrutiny until 2018 NHTSA investigation spurred on by consumer- protective Center for Auto Safety.</u>	<u>Vacationers</u>