



SB 1149 (Leyva) Dangerous Incidents Descriptions

The following three pages contain detailed information about nine dangerous incidents that have caused harm to the public that was greatly increased because basic information about these dangers was kept secret in litigation through secrecy agreements and broad protective orders. These nine are only some of the many examples of situations in which DANGER + SECRECY = DEATH. More exist but have not yet been exposed.

Embedded in the text of the incidents are links to URLs that substantiate all the information on these sheets.

For further information, please contact either Kristina Bas Hamilton, Kristina Bas Hamilton, kristina@kbhadvocacy.com and 916.402.6276 or Prof. Richard Zitrin, zitrin@uchastings.edu and 415.713.5050.

	WHAT WENT WRONG, WHY, AND WHEN	SECRECY AGREEMENTS/PROTECTIVE 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 suggested doctors 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.	West Va. sues manufacturer and state court issues blanket protective order in 2004; dozens of other POs, including fed. judge in Cleveland PO covering over 2000 cases. Blanket secrecy lasted at least 12 years.	estimated 250,000 deaths, + another 250,000 deaths from subsequent fentanyl and heroin addiction, from first use to exposure	EVERYTHING shielded from public scrutiny from 2002 to 2016 leak to LA Times , and POs still not lifted even then . Oxy still on market, though finally limited only to legitimate and controlled therapeutic uses. Purdue in bankruptcy.	Harm to everyone especially poorer and working class people without the resources to seek help
CAR SEAT BACKS - ALL CAR MANUFACTURERS	Outmoded 1968 government standard leaves front car seatbacks too weak, unable to withstand rear-end impact. Seatbacks collapse back , projecting passengers. Rear passengers, including children in child seats, can be crushed to death . These outmoded standards are still used by all car mfrs. in most models.	Broad POs in almost every case, likely several 1000. One crashworthiness engineering company alone reports settlement agreements or POs required in each of over 400 cases, all lasting after case close with document return & destruction required.	From 1990-2015 approximately 11,000 front seat deaths, 3,179 rear-seat deaths incl. 962 children. 90 children in CA. Paralysis or brain injury several times these numbers. 100s more deaths since 2015.	Example: GM. Internal docs show their false claim that "yielding" seats are safer than rigid. In 1992 a GM attorney wrote that GM couldn't demonstrate it used "'reasonable care' to reduce the risk of injury...." NHTSA only now considering change after 50+ years	Everyone
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. A PO allowed Bayer to self-select 97.7% of documents produced to be "lodged under seal." By 2020 Bayer was still fighting to keep secret that they knew defects 12 years before. To date only about 200 of 900,000 documents have been released.	Massive failures, leading to: miscarriages, perforated organs, hysterectomies, inability to 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 97.7% of the documents produced as confidential , pursuant to a court protective order, blocking the knowledge of the danger from the public. Only about 200 documents became public after an arduous document-by-document process.	Women

MONSANTO - ROUNDUP	Weed killer Roundup, first sold in 1976, 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, that is, secret from the 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.	Agriculture workers, gardeners, janitors, environmentalists. Roundup is still on the market.
PELVIC MESHES - JOHNSON & J & 6 OTHER MFRS.	Pelvic meshes keep organs in place for women with "prolapse" and other degenerative pelvic conditions Meshes erode body tissues, causing extremely painful issues, including sepsis, even death.	Multi-District Litigation in WV, vs. 7 manufacturers: 102,076 cases all covered by POs + 10,000 more in NJ . 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 American Medical Systems reported 215 deaths, Johnson & Johnson reported 21 more , other manufacturers' exact death numbers not known .	After approval in 2002 , FDA got 1000s of complaints and twice issued warnings that companies ignored, and also didn't warn doctors. In 2016, the FDA first began efforts to remove meshes from the market, now accomplished years later.	Women
IKEA - MALM A4	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 a secrecy agreement but no 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 .	EVERYTHING shielded from public scrutiny until 2018 when EU regulators investigated	Parents, families with young children
COOPER TIRES	Tires didn't meet industry standard safety features to keep belts from separating. The result is that the two belts separate, tires shred, and 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 scores of cases at once , including one <u>LA judge with 100+ cases all under restrictive PO</u> .	Through 2017, at least 362 deaths, 49 in CA alone + 31 paralyzes or brain injuries; 99 other serious injuries like loss of limb , and 100s more injuries.	EVERYTHING shielded from public scrutiny from the beginning - over 20 years . POs STILL not lifted today even after cases close, including in CA consolidated case.	Anyone 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 in earliest stages, by 2008 , at least 20 settled prior to <u>public exposure of defect in May 2014</u> . 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 .	<u>Defect existed for years without GM revealing it</u> . No exposure of defect at all until one Georgia case uncovered that an engineer replaced the defective part for 2008 models but no one disclosed that to the public .	<u>Everyone</u> who drives or sits in these cars.
GOODYEAR - G159 TIRE SEPARATION	G159 tires were designed for short-haul delivery trucks, but <u>marketed for RVs, despite GY knowing that at higher speeds</u> , tires couldn't withstand heat. 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, <u>but was able to cover up problem for 20 years</u> . Separations responsible for at least 9 deaths , scores of serious injuries.	EVERYTHING shielded from public scrutiny until <u>2018 NHTSA investigation spurred on by consumer- protective Center for Auto Safety</u> .	<u>Vacationers</u>