UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

# Patterson v. Covidien, Inc., et al.

Patterson · No. 22-cv-10153-PBS; MDL No. 22-md-03029-PBS · Decided April 28, 2026

## SUMMARY

The United States District Court for the District of Massachusetts denied the plaintiffs' motion to exclude the testimony of Dr. Corey Deeken under Federal Rule of Evidence 702. The court held that Dr. Deeken's review of preclinical and clinical data concerning the Symbotex hernia mesh reflected a reliable methodology, and that challenges concerning adverse-event data, extrapolation, and the scope of her analysis were matters for cross-examination. The court limited her testimony regarding regulatory sufficiency but permitted her to testify about testing from the perspective of a biomaterials expert.

## CASE DETAILS

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| COURT | United States District Court for the District of Massachusetts |
| WRITING FOR THE COURT | Patti B. Saris |
| JURISDICTION | United States District Court for the District of Massachusetts |
| DECIDED | April 28, 2026 |
| DOCKET | 22-cv-10153-PBS; MDL No. 22-md-03029-PBS |
| DISPOSITION | other |
| PROCEDURAL POSTURE | Plaintiffs moved under Federal Rule of Evidence 702 to exclude the testimony of Dr. Corey Deeken, a biomaterials expert offered by Covidien in a products-liability action. The district court denied the motion. |
| STANDARD OF REVIEW | Federal Rule of Evidence 702 admissibility and expert-reliability analysis; the court evaluated whether Dr. Deeken's methodology was reliable and whether her opinions were sufficiently connected to the underlying data. |
| PRECEDENTIAL VALUE | unpublished district-court memorandum; precedential status unknown |
| PARTIES | Larry Patterson, Tammy Patterson v. Covidien, Inc., Covidien LP, Sofradim Production SAS, et al. |

## TOPICS

expert testimony | daubert standard | products liability | motion in limine | civil procedure

## PRACTICE AREAS

products liability | expert evidence | medical device litigation | civil procedure

## QUESTIONS PRESENTED

1. Whether Dr. Deeken's testimony regarding the safety of Symbotex was based on a reliable methodology under Federal Rule of Evidence 702.
2. Whether Dr. Deeken's reliance on component studies, studies involving bovine collagen barriers, and incomplete adverse-event data created an impermissible analytical gap requiring exclusion.
3. Whether Dr. Deeken could testify about the sufficiency of Covidien's testing from the perspective of a biomaterials expert without offering impermissible regulatory or legal conclusions.

## HOLDINGS

1. An expert's methodology is not unreliable merely because it relies on scientific judgment or lacks a formal consensus standard, cutoff, or fixed set of criteria, when the expert surveys a broad range of directly relevant preclinical and clinical data and applies relevant expertise to that data.
2. An expert may consider studies of component parts and related products, including products with a different but comparable barrier, when those studies are considered as part of a broader review that also includes data specifically involving the product at issue.
3. An expert's failure to comprehensively consider adverse-event reports is grounds for cross-examination rather than exclusion when the reports themselves do not establish causation and the expert otherwise reviews relevant evidence.
4. A biomaterials expert may testify about the sufficiency of Covidien's testing from the perspective of biomaterials science, including the expert's understanding of Symbotex's clinical outcomes, but may not testify as a regulatory expert concerning the sufficiency of the testing for regulatory purposes.

## KEY QUOTATIONS

> *"The Court is satisfied that Dr. Deeken's review of a broad range of relevant data reflects the use of a reliable methodology."* (Discussion § II)

> *"Dr. Deeken's failure to comprehensively consider adverse event data is grounds for cross-examination, not a basis to exclude her opinion entirely."* (Discussion § II)

## FACTUAL BACKGROUND

Larry Patterson was implanted with Covidien's Symbotex Composite Mesh during a 2017 hernia-repair operation. The mesh allegedly adhered to his bowel and later caused a bowel obstruction and hernia recurrence, requiring another operation in 2020. Covidien offered Dr. Corey Deeken, a biomaterials expert, to opine that Symbotex was safe based on preclinical, clinical, biocompatibility, performance, and stability data.

## PROCEDURAL HISTORY

This action is a first bellwether case within multidistrict litigation concerning Covidien hernia-mesh products. Plaintiffs asserted products-liability claims under Alabama law, including claims under the Alabama Extended Manufacturer's Liability Doctrine, negligence, breach of warranty, and negligent and fraudulent concealment and misrepresentation. After briefing and a hearing, the court denied plaintiffs' motion to exclude Dr. Deeken's testimony.

## DISPOSITION

other

## CASES CITED

- In re Covidien Hernia Mesh Products Liability Litigation No. II, __ F. Supp. 3d __, __ (D. Mass. 2026) [2026 WL 1129617, at *1-4]
- Rodríguez v. Hosp. San Cristobal, Inc., 91 F.4th 59, 70 (1st Cir. 2024)
- General Electric Co. v. Joiner, 522 U.S. 136, 146 (1997)
- Lawes v. CSA Architects & Engineers LLP, 963 F.3d 72, 98 (1st Cir. 2020)
- Milward v. Acuity Specialty Products Group, 639 F.3d 11, 18 (1st Cir. 2011)
- N.J. Carpenters Pension & Annuity Funds v. Biogen IDEC Inc., 537 F.3d 35, 50 (1st Cir. 2008)
- In re Carter-Wallace, Inc. Securities Litigation, 220 F.3d 36, 41 (2d Cir. 2000)

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