MG+M The Law Firm Attorneys Secure Victory for Client in Medical Device Case

June 8, 2023

MG+M The Law Firm attorneys prevailed with a defense verdict for their client Somatics in the medical device case of *Thelen v. Somatics, LLC* on June 8, 2023, in US District Court for the Middle District of Florida, Tampa Division. The case involved the Thymatron System IV, used to deliver electroconvulsive therapy (ECT) to medication-resistant patients who suffer from major depressive disorder. The plaintiff contended that the manufacturer's warnings and instructions given to ECT physicians were insufficient and that he would not have consented to the procedure if "adequate warnings" had been given. The case was tried pursuant to Nebraska law. Portions of the case involving the FDA were dismissed as pre-empted under federal law. Summary judgment was granted pre-trial on issues of warranty, product defect and manufacturing defect. The issue of strict product liability failure to warn was submitted to the jury, which found that the plaintiff had not proven that the instructions and warnings given to the physician were a proximate legal cause of the damages claimed. Miami-based MG+M Partner Susan J. Cole and Associate Emma Nunn defended the seven-day trial, together with Jason Benkner, a Poole Shaffery attorney from California.

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