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Lawyers fly into action vs. B&L

Suits filed in lens solution case number at least 19 so far

Nishad Majmudar
Staff writer

(May 28, 2006) — After permanently removing ReNu with MoistureLoc from world markets, Bausch & Lomb Inc. said it could move on to restoring its brand and mending custom

Assuaged by these developments, investors pushed B&L shares up more than 12 percent on that da ago.

Not surprisingly, however, at least 19 lawsuits in jurisdictions nationwide await the Rochester compa

Most of the suits are federal class actions claiming that, by being linked to an outbreak of fungal eye the United States, B&L's ReNu with MoistureLoc contact lens solution injured consumers. Other filing company management's malfeasance jammed investors with a weakened share price.

It's still unclear when and by how much these cases will affect B&L. But as the legal hurdles facing th play out, the lawsuits offer a glimpse into the competitive arena of mass civil litigation.

"As is often the case in heavily publicized recall situations, we expect that there will be many more cl actual injuries," said B&L spokeswoman Margaret Graham. "And that's why it's especially important f evaluate each claim independently and handle it accordingly."

Nationally, personal injury firms are recruiting possible plaintiffs, in many cases offering free case cor and registering thematic domain names to optimize their Internet keyword searches.

For example, Parker & Waichman of Nassau County, on Long Island, registered the "renulawsuit.cor name on April 10, the same day B&L first stopped U.S. shipments of MoistureLoc, according to the Ir records available at Netsol.com. A Fort Lauderdale, Fla., firm registered RenuLitigation.com on April later, a medical consultancy registered BauschLitigation.com.

That doesn't surprise Lucinda Finley, a law professor and product liability expert at State University c Buffalo.

"Lawyers who specialize in medical products litigation are as interested in business development as professional," Finley said.

"Setting up the Web site would be a way to get ahead of the other legal competition."

But law firms say they are confident in their cases.

"It's just not often that you go into litigation with a worldwide recall of a product and with an acknowle

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problem with its disinfectant efficacy," said Jason Mark of Parker & Waichman, which filed one of the with MoistureLoc suits.

Tim Balducci, a lawyer with Langston Law Firm in Booneville, Miss., stressed that "copycat" lawsuits negative light on legitimate firms seeking damages for consumers.

"Our complaint has 50 pages and 22 exhibits to it," said Balducci. "Some class actions out there are pages and make blanket claims."

Finley said B&L would need a stronger defense than an argument that MoistureLoc users with poor I at greater risk of getting an eye infection.

"I assume lawyers would say the company knows the number of contact lens and lens solution users differing habits and that they need to make the product safe for everybody," she said.

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