

# 3M Scores Major Legal Victory in Bair Hugger Litigation

Federal court dismisses thousands of lawsuits in multidistrict litigation against patient warming system

ST. PAUL, Minn.--([BUSINESS WIRE](#))--3M announced today that a federal court has dismissed all of the federal lawsuits against the 3M™ Bair Hugger™ system. The legal victory comes after six years of defending the integrity of the company's patient warming system.

The decision dismisses more than 5,000 lawsuits filed by plaintiffs' attorneys, who improperly claimed that the warming system was responsible for infections suffered by patients during surgery. Those lawsuits were consolidated in a multidistrict litigation in federal court in Minnesota.

The federal decision in favor of 3M comes six months after the Minnesota Court of Appeals upheld a Minnesota state court order dismissing 61 similar cases filed by lawyers on behalf of Minnesota plaintiffs.

"There is no legitimate scientific support for the plaintiffs' theory. We are pleased that the court has dismissed all of the cases in the multidistrict litigation," said Dr. Todd Fruchterman, general manager, 3M Medical Solutions Business. "Most importantly, we want physicians and patients to understand that the practice of patient warming is supported by leading health care institutions, professional societies and the U.S. Food and Drug Administration. Our industry-leading 3M Bair Hugger system has been proven to be a safe, effective and efficient method of delivering patient warming therapy."

In its order, the federal court granted 3M's request to exclude the plaintiffs' general causation experts, leaving the plaintiffs with no scientific support for their claims. The court previously had agreed to allow the plaintiffs' experts to testify in court. After those experts testified in the first Bair Hugger system trial in 2018 and after the publication of a new study on surgical site infections, 3M asked the court to revisit its earlier decision.

3M argued that the new evidence further proved that the plaintiffs' experts lacked scientific support for their claims. On July 31, 2019, the court granted 3M's motion.

The company says the plaintiffs' infection theory was invented by 3M competitor Augustine Temperature Management and its founder Scott Augustine—who has waged a decade-long campaign to malign the Bair Hugger system as part of an effort to market his own competing product.

Plaintiffs' lawyers have spent millions of dollars on advertising to solicit patients who contracted infections during surgery.

This court decision does not dismiss two similar cases filed in state courts in Missouri and Texas.

In August 2017, the U.S. Food and Drug Administration sent a letter to health care providers stating that it continues to recommend the use of patient warming devices, including forced-air warming devices, for surgical procedures when clinically warranted.

The 3M Bair Hugger system, which is used to warm patients before, during and after surgery, has been safely used more than 300 million times in the past 30 years. It continues to be used thousands of times each day in medical facilities worldwide.

## About 3M

At 3M, we apply science in collaborative ways to improve lives daily. With \$33 billion in sales, our 93,000 employees connect with customers all around the world. Learn more about 3M's creative solutions to the

world's problems at [www.3M.com](http://www.3M.com) or on Twitter @3M or @3MNews.

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