

In re Boston Scientific Corporation Securities Litigation

COURT: United States District Court for the District of Massachusetts
CASE NUMBER: No. 1:20-cv-12225-DPW
CLASS PERIOD: 04/24/2019 - 11/16/2020
CASE LEADERS: Salvatore J. Graziano, Michael D. Blatchley
CASE TEAM: Alexander T. Payne

This is a securities class action filed on behalf of all persons who purchased shares of Boston Scientific Corporation (“Boston Scientific” or the “Company”) common stock from February 6, 2019 through November 16, 2020, inclusive (the “Class Period”). The action is brought against Boston Scientific and certain of the Company’s senior executives and asserts claims under Sections 10(b) and 20(a) of the Securities Exchange Act of 1934.

Boston Scientific manufactures medical devices and is one of the largest medical device manufacturers in the world. The action against Boston Scientific arises out of the Company’s representations concerning one such device, the LOTUS Edge, a transcatheter aortic valve replacement—or “TAVR”—device used to treat patients with heart disease.

Throughout the Class Period, Boston Scientific touted the LOTUS Edge’s superior “ease of use” as the only re-deployable and repositionable TAVR device on the market—meaning that, unlike other TAVR devices, the LOTUS Edge could be repositioned and “recaptured” once deployed. According to Boston Scientific, this increased level of control over the delivery and deployment of the device ensured optimal patient outcomes, and represented a significant advantage over the two primary TAVR devices already on the market. Following the FDA’s approval of the LOTUS Edge in April 2019, Boston Scientific and its senior executives made numerous statements touting the device’s purportedly successful commercial launch, its adoption by heart surgeons, and the device’s advantages over its competitors. For example, the Company told investors that the “Lotus Edge launch is going extremely well,” that many surgical centers were signing up for the device, and that the Company had already met its goal to open 150 accounts in the United States.

In reality, the LOTUS Edge delivery system—the feature that supposedly separated the device from competitors—was severely flawed and, as a result, the launch of the device never got off the ground. Investors learned the truth about the LOTUS Edge when, on November 17, 2020, Boston Scientific abruptly announced the recall of the device and shut down the LOTUS business entirely. In response to this disclosure, Boston Shares declined dramatically and in a statistically significant manner, causing substantial damage to investors.

On March 30, 2021, the Honorable Douglas P. Woodlock appointed BLB&G client Union Asset Management AG as Lead Plaintiff and BLB&G as Lead Counsel for the class.

Lead Plaintiff filed the Amended Complaint on June 4, 2021. Defendants’ motion to dismiss was fully briefed on September 20, 2021, and the Court scheduled oral argument on the motion for November 19, 2021.

Case Documents

- June 4, 2021 - Boston Scientific Consolidated Class Action Complaint