

Dalkon Shield Action News

A supplement to HEALTHMATTERS, a publication of the Vancouver Women's Health Collective VOLUME 1, NO. 3

Dalkon Shield Action News is produced by Dalkon Shield Action Canada in Vancouver, B.C. It is published quarterly in March, June, September and December each year. We welcome your suggestions, contributions, personal stories and feedback. The deadline for submissions is the first day of the publishing month.

COMING OUT OF ISOLATION

For thousands of Canadian women - and men - forming a local group is a way out of the isolation of the Dalkon Shield experience. So far existing groups in Montreal, Toronto, Kamloops and Vancouver have focused on a variety of issues such as: information sharing, emotional support, political action and practical help.

If you personally have not met individuals who are Dalkon Shield claimants and have an interest in meeting other Dalkon Shield survivors, it is not so hard to accomplish this task. Free ads or announcements may be placed in community newspapers or radio programmes. There is a good chance that you are not alone, and that others will respond to your call.

Over 4,500 Canadian women filed claims against A.H. Robins before the April 30/86 deadline. We have estimated that there are at least as many who did not file "in time". Often women did not make the connection between their problems and the Dalkon Shield, or they did not hear of the deadline. These women may never realize compensation directly from Robins, however, they too need information, support and a chance to speak out.

If you're feeling that you would like to come out of isolation, try reaching out in your immediate community. If you're anywhere near Vancouver, Toronto, Montreal or Kamloops, women there have already formed local groups and can be of assistance. An information "kit" has been prepared by the Vancouver group which has proven helpful in setting up local groups. Write and ask for one.

Contacts for DSAC groups are:

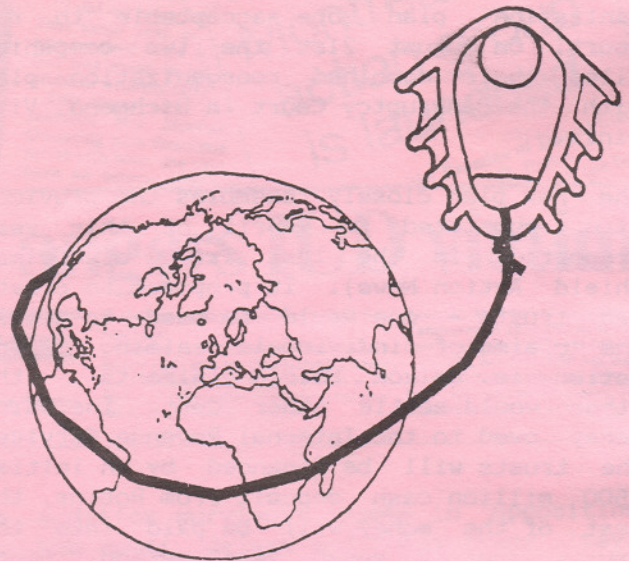
Vancouver: Maggie or Megan at the Vancouver Women's Health Collective 682-1633

Toronto: Elizabeth (416) 489-2388

Montreal: Nora (514) 522-9693

Rose (514)

Kamloops: Pat (604) 376-7723



L'ACTION AU QUEBEC

Les conséquences tragiques d'avoir porté un stérilet Dalkon Shield dans les années '70 sont énormes: infection, avortement septique, stérilité, hystérectomie, angoisse mentale, plus les peines et misères apportées aux familles.

Ceci étant dit pourrions-nous un jour compter sur une compensation adéquate à tous ces malheurs? La compagnie A.H. Robins se protège avec la loi, et l'on nous a mis en attente depuis plus de deux ans.

Quelques femmes à Montréal ont formé un group dans le but de s'unir pour discuter de nos frustrations. Toutes celles qui ont répondu à notre communiquer de presse dans les journaux de Montréal nous ont convaincu du grand besoin de partager et de se supporter jusqu'à ce que justice soit faite. "L'union fait la force" et faudrait surtout pas l'oublier:

Vous pouvez nous rejoindre à
Dalkon Shield Action Canada/Québec,
1701 St. Germain,
Montréal, Québec, H1W 2T3.
514-522-9693 ou 514-631-8391.

ROBINS' NEWEST PLAN

On July 3rd, 1987 Robins and the Rorer Group Ltd. - a U.S. based pharmaceutical company, signed a letter of intent to merge the two companies. Robins officials believe the merger will strengthen their financial position thereby making the proposed reorganization plan more acceptable to the court. On August 21st the two companies filed their combined reorganization plan with the Bankruptcy Court in Richmond, Virginia.

The new plan closely resembles the previous plan submitted in April of this year (reported in the last issue of Dalkon Shield Action News). It proposes to create two trusts - one would be used to settle the claims of individuals claiming compensation ie. Dalkon Shield claimants - the other would settle other debts including money owed to the Internal Revenue Service. The trusts will be financed by an initial \$500 million cash deposit from Robins, the rest of the money will be paid into the trusts over a seven year period. Since money is being paid into the trusts over a seven year period, claims settled out of the trust will also be paid over a seven year period.

Under the plan each share of Robins common stock, valued at \$27.75 would be exchanged for one share of a new series of Rorer convertible preferred stock, valued at \$30. Rorer common stock, is currently valued at \$51.00 per share. (all August 21 '87 rates) In total the stock swap will cost Rorer \$720 million. The interests of the stock holders are being taken very seriously, and the likely gains for them are considerable, while the interests of claimants are shuffled to the bottom of the pile. Observers estimate that if the plan goes through as

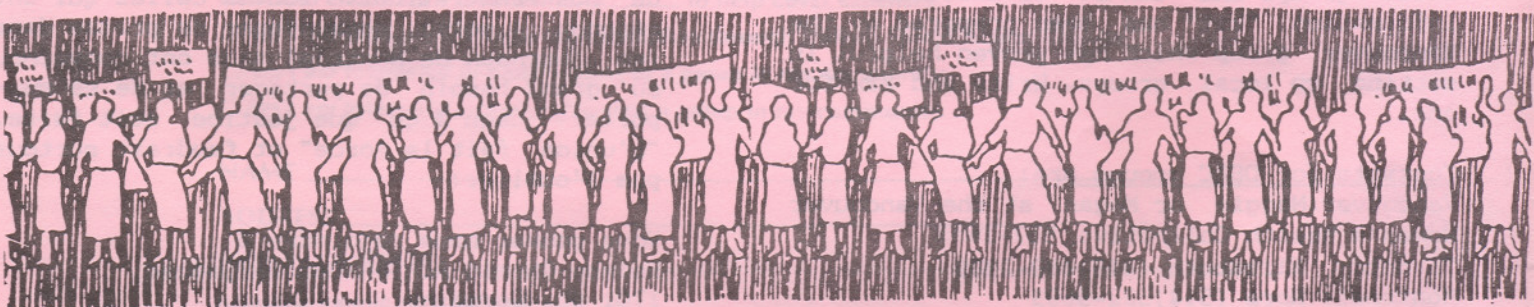
proposed claimants will receive about half of what they would receive if their claims were settled fairly. Most observers say the \$1.75 billion maximum on the trust fund for claimants may represent only about half of what is really needed.

The entire reorganization plan is subject to approval by the Bankruptcy Court, by shareholders of both companies and by all Robins creditors, including Dalkon Shield claimants. This means that you will have an opportunity to vote to either accept or reject the plan.

The Bankruptcy Court has set Nov. 5th as a hearing date for the plan. Between now and then there will be attempted negotiations in an effort to satisfy as many interests as possible. The final decision however, will not be made without your input.

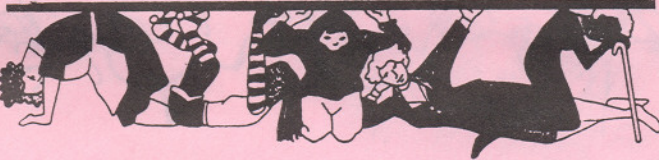
Many of you will have already received a mailing from Robins explaining how you can participate and outlining a series of significant dates. This mailing has outdated information in it now, so don't be alarmed if some of the dates have already passed. The court must inform you of your rights, ie when and how you can vote on the plan. You will probably receive another mailing soon.

While the system in place has not proven so far to be a fair one, we believe it is necessary for us to put discouragement aside and make our views heard. Even if you feel your vote won't really count, participating in the decision of whether to accept or reject the reorganization plan can help you find out what is going on. Dalkon Shield Action Canada has no illusions about seeing Robins come under the control of hundreds of thousands of women worldwide - we'll never have that much influence - however, our voice is all we have right now; let's use it.



LETTERS LETTERS LETTERS LETTERS LETTERS LETTERS

Personal letters continue to flow into Dalkon Shield Action here in Vancouver. Thankyou for all the support letters too. Below are letters we have received permission to print.



I was surprized but gratified to receive your Healthmatters publication covering the Dalkon Shield issue. Let me explain why: Early last year when I heard the Dalkon Shield warnings on the media, I was unsure as to whether I had sufficient injuries to substantiate a claim against the A.H. Robins company. At this time I tried unsuccessfully to locate an organization in Ontario similar to yours. I was certain there must be someone I could contact who could hear my situation and help me to decide what to do. In my search, I contacted various government agencies, Women's Clinics Health units and my member of parliament. No one could help me. Finally I went with my feelings and filed my claim.

On March 28, 1973 I miscarried. I had a Dalkon Shield inserted on June 9 1972. It is estimated I became pregnant in late December. I was only 19 at the time, and because I was having my regular menstrual cycle, I had no idea I was even pregnant. During these

3 months I was terribly ill, but could not understand why. On the morning of March 28th I was getting ready to leave for work when I started hemorrhaging. At this time I realized what was happening. I was admitted to hospital and given an emergency abortion.

I know in my heart it was the Dalkon Shield that caused this. After reading your publication I am confident I have substantial injuries to bring a claim against A.H. Robins. I would be very pleased to become a member of Dalkon Shield Action Canada.

S.V. Welland, Ontario

Thankyou for your newsletter. I do feel lost and alone. The idea of fighting a huge wealthy drug company is almost overwhelming. I can't afford a lawyer and I am afraid of costs. The horrible reality is that my present state of poor health which leaves me unable to work is a direct result of the use of the Dalkon Shield. In 1974, I was 8 months pregnant with the Dalkon Shield, I developed peritonitis septicemia, and went into premature labour. The baby girl was born with septicemia and died. I went into adrenal crisis then and throughout the years until I am left with adrenal insufficiency complete, a condition which leaves me at risk, ill and unable to work at my occupation, an R.N., because hospitals represent a danger of infection for me. The G.P. who inserted the Dalkon Shield has in his records only that an IUD was inserted, not the type. I feel angry, frustrated and helpless that I can't prove the truth and therefore A.H. Robins will get away with this tragedy they have caused to my life. Since then I have lost a second baby at 7 months, I have had two premature children, at least 34 weeks and 31 weeks, bed rest, caesarean sections, uncontrolled bleeding and a hysterectomy at 34 years.

D.S. St. Albert, Alberta.

I read with great interest your recent newsletter on the Dalkon Shield. I, unfortunately, listened to bad advice from my doctor and failed to file a claim before the April 30th 1986 deadline. ...Is it just too late to do anything? I would very much appreciate a reply.

Thankyou

M.K. Windsor, Ontario

Dear M.K.

Last year the Vancouver Women's Health Collective and the Winnipeg Women's Clinic filed for an extension of the deadline for claims. The application was denied in June 1986 and is now being appealed. You can file an affidavit with the Bankruptcy Court and wait to see what they do with it. If you are interested in doing that we'd be happy to forward the necessary information. At this stage you have nothing to lose by trying.

WHAT APOLOGY

It was an apology of sorts, but as usual Robins had second thoughts about actually expressing its regret at having caused death and injury to women who wore the Dalkon Shield.

Bankruptcy Judge Merhige said in August "Robins could have saved itself millions of dollars if just one person had said 'We're sorry, unfortunately we made a product that injured people'. I don't understand why this hasn't been done. They could do it now, right now"

Dennis Drebsky, Robins lawyer in the bankruptcy proceedings said in response "Robins is profoundly sorry and proposes to pay"

Merhige: "That's not the same as recognizing that the product injured people"

Drebsky: "The product was not what my client hoped it would be. But we stand behind the product and will pay all valid claims."

Four and a half hours after the hearing ended a Robins spokesperson issued an 'apology' that said "Robins does profoundly regret any injuries that may have been caused by the device" and said Robins has always taken the position that it wants to compensate those women whose injuries can reasonably be associated with the use of the Dalkon Shield". He also went on to say that Robins wants claimants to receive "fair and prompt compensation"!! ACTIONS SPEAK LOUDER THAN WORDS EH??

INFERTILITY FUND

Robins stockholders have launched an appeal with the Bankruptcy Court in Richmond, Virginia, effectively freezing the infertility fund announced earlier this year. If their appeal is successful the fund idea will be erased, if unsuccessful it may go into operation soon after a ruling on the appeal. The last issue of Dalkon Shield Action News reported how the Infertility Fund of \$15 million was to have paid up to \$15,000 per woman to offset the cost of reconstructive surgery or in vitro fertilization. The money was to be paid in advance of a final settlement from the Bankruptcy Court.

The Equity Security Committee, representing company stockholders, claims the fund is premature and argues that the court should have a full assessment of all the claims to date before any money is paid out. Their case is expected to be heard in December of this year.



BANKS AWARDED MILLIONS

Since filing for bankruptcy protection in August 1985, Robins has been prohibited from spending any money without first receiving authorization from the Bankruptcy Court. Recently presiding Judge Merhige approved the fees of Manufacturers Hanover and Chemical Bank, financiers of Robins' April 16th reorganization plan. The fees were \$7.5 million to be paid in three installments if the deal had been accepted. Since their deal has not been approved Manufacturers Hanover will have to settle for a mere \$5 million. Chemical bank gets \$3 million.

ADVERSARY PROCEEDINGS

August 19th, Judge Merhige signed orders allowing "adversary proceedings" against executives of A.H. Robins. The Dalkon Shield Claimants Committee is seeking \$2.4 billion in damages from executives E.Claiborne Robins, his son E.Claiborne Robins Jr. and William I. Zimmer, former Chairman of the Robins Board of Directors. Also named in the order are 14 Robins' subsidiaries, its accounting firm and its insurance firm, Aetna Casualty and Surety Co.

NEW CHAPTER IN KAMLOOPS

A small group of women met recently in Kamloops, British Columbia to discuss their experiences with the Dalkon Shield, as well as how they could direct their anger and frustration. They formed a local group of DSAC and hope to increase in numbers and strength.

DSAC Kamloops may be contacted at:
335 Willow St. Kamloops B.C.
604-376-7723

Women

IUD's victims wait for compensation

By ELISABETH KALBFUSS
of The Gazette

The tiny, crab-like contraceptive Noron Morin wore in 1972 cost her at least \$100,000, she believes, the child she has.

Dalkon Shield is reliable: maker

...that boasts good
...multitude of
...ns to be
...ue,
...with a
...er husband are the
...are not expecting, and
...s. Mueller, 35, cannot have a child.
...she believes the Dalkon Shield, an intra-
...uterine birth control device she used a
...decade ago, is to blame.
...She and

The Vancouver Sun, Thursday, July 23, 1987 ***



until 1977, three years after it was banned, when she came down with a serious pelvic infection.

She says she was never warned of the high risk of pelvic disease associated with it.

"I did not know that same year my husband was recalled twice for work. I was made to tell my problem with my IUD."

Two years after she removed, Mrs. Mueller was cramping pain down one side. At the 11th hour, she said, she had an ectopic pregnancy.

Montreal-area action group is launched

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...H. Robins Co. for
...of the Dal-

Maker's lack of remorse angers IUD victims

By ANNE MULLENS
Sun Medical Reporter

Elaine Cumley was 25 and married for four years when her uterus, ovaries and fallopian tubes were removed because of infection brought about by the Dalkon Shield intra-uterine device.

They went public for the first time this week with their personal stories and anger at what they say is the irresponsible and obstructionist way the IUD's manufacturer, A.H. Robins, has been dealing with the more than 350,000 lawsuits pending against it.

No one can imagine the devastation of having to go through menopause at age 25.

— Elaine Cumley

to the same man, she moved to B.C. five years ago.

"Money isn't the main issue here — money can't give me the children I never had," Cumley said. "What we want is for Robins to take responsibility for what they did to untold numbers of women."

Arundal, 36, who had an IUD inserted in Vancouver in 1974 and went through months of pain until it was removed.

In 1980, her first child was born prematurely at six months and died four days later. Her second pregnancy miscarried after three months and her third

JULY 21st SPEAK OUT

On July 21st 1987 Dalkon Shield survivors took to the airwaves to tell their stories and to add the human dimension to the Robins bankruptcy story. It has been two years since Robins filed for Bankruptcy protection.

Attention has focused on the misfortune of this family company, on its' financial health and corporate credibility. Precious little has been said about the hundreds of thousands of people whose lives were so seriously injured as well as those who were killed by the Dalkon Shield.

The idea of using July 21st to speak out came from Karen Hicks of the Dalkon Shield Information Network in Bethlehem, Pennsylvania. The Network organized a large Rally in Richmond, Virginia where many Dalkon Shield survivors spoke out. In Canada, press conferences were held in Vancouver and Montreal. A rally was held near Toronto at the AH Robins subsidiary plant.

The Toronto rally attracted angry Dalkon Shield survivors, their families, friends, many members of the media and two Robins officials from Richmond, Virginia. In Montreal and Vancouver Dalkon Shield survivors spoke of their personal experiences and about what it is like to have to wait so long without receiving justice.

In addition survivors spoke in opposition to how court delays and bureaucracy always favour the company, never claimants. To prove this point that very day Robins received its sixth extension because of negotiations with Rorer Inc. (see

As hoped, participants in the July 21st events were able to express their feelings of frustration and anger at the slow and tedious bankruptcy proceedings and at how Robins has managed to remain relatively unscathed by its wrongdoings. The focus of most of the press reports and interviews were concerned with personal stories from Dalkon Shield survivors. This brought to public attention the fact that the Dalkon Shield story is one of long suffering on the part of thousands of Canadian women — not just another story of a beleaguered and bankrupt company. It was difficult for many of the women interviewed to "go public" but most thought it well worth the effort given the positive response generated in the press and from women all across Canada who called afterwards to congratulate us.

The Toronto rally received favourable national TV and newspaper coverage. In Montreal, a full page in the Gazette, the English language daily, was devoted to the Dalkon Shield issue. The Vancouver press

Continued from page 5

conference was also well covered in the local papers and TV stations.

The Montreal Gazette, in addition to coverage of the personal and historical side of the Dalkon Shield issue, announced the formation of the Montreal DSAC group in addition to a small article giving Robins' side of the story. One quote from the article stated that "'The company continues to maintain that it's not a defective product" a Robins spokesperson said...Robins' finger of blame still points to the doctors (who may have wrongly inserted or withdrawn the IUD).

It is certainly infuriating, for Dalkon Shield survivors their friends and families to hear Robins continue to avoid responsibility, skirting the issues and lying; To watch Robins manipulate the legal system and so on.

Robins' social and legal posturing was recognized in an editorial on July 25, in the Globe and Mail:

"The History of medical research and medical technology kicks up occasional horror stories of inadequate research, unconscionable delays in responding to human suffering, and even a cavalier inclination to experiment with the health and the lives of people who have no knowledge that they are taking the role of medical guinea pigs. "Tens of thousands of women who have suffered...as a result of using the Dalkon Shield...clearly consider themselves part of that unpalatable history."

The editorial concludes pessimistically, "If there is a deterrent somewhere in this rough justice, it is a paradoxical one, likely to be felt more strongly by victims seeking redress than by the corporations that injure them."

Author Richard Finlay, International Consultant on Corporate Strategy and Social Responsibility Concerns cited Robins' irresponsibility in his article "The honeymoon with big business is on the rocks" Globe and Mail Aug 31 pg A7

"Consumers are becoming more conscious of the impact of corporate ethics - and their absence - on the safety and reliability of the products they buy, especially in the wake of such incidents as "runaway" Audi automobiles and the devastation caused to thousands of women by A.H. Robins' Dalkon Shield contraceptive device." The article warns management of big business that if it persists "in being at the wrong end of public opinion" there will be a major collision with society, to everyone's detriment.



CONTRIBUTORS TO THIS ISSUE Vol.1 No.3

Megan Arundel, Elaine Cumley,
Shelley Hine and Maggie Thompson

Printed by Press Gang

Make me a member of Dalkon Shield Action Canada so I can join the fight against A.H. Robins. With my membership I will receive a subscription to HealthMatters and stay abreast of the latest news.

My cheque or money order is enclosed:

☐ \$15 regular membership ☐ \$10 low income membership

I am also enclosing a donation of \$_____ to help cover expenses.

☐ Yes I am interested in legal representation through Dalkon Shield Action Canada.

☐ Yes I am interested in participating in a group in my community.

☐ Yes I am interested in helping to start a group in my community.

NAME _____

ADDRESS _____

PROVINCE/STATE _____

POSTAL CODE/ZIP CODE _____