UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ENRIQUE JEVONS, Individually and On Behalf of All Others Similarly Situated, Plaintiff, v. BOSTON SCIENTIFIC CORPORATION, MICHAEL F. MAHONEY, and DANIEL J. BRENNAN, Defendants.	Case No. CLASS ACTION COMPLAINT JURY TRIAL DEMANDED

Plaintiff Enrique Jevons ("Plaintiff"), individually and on behalf of all others similarly situated, by Plaintiff's undersigned attorneys, for Plaintiff's complaint against Defendants, alleges the following based upon personal knowledge as to Plaintiff and Plaintiff's own acts, and information and belief as to all other matters, based upon, *inter alia*, the investigation conducted by and through Plaintiff's attorneys, which included, among other things, a review of the Defendants' public documents, conference calls and announcements made by Defendants, United States ("U.S.") Securities and Exchange Commission ("SEC") filings, wire and press releases published by and regarding Boston Scientific Corporation ("Boston Scientific" or the "Company"), analysts' reports and advisories about the Company, and information readily obtainable on the Internet. Plaintiff believes that substantial additional evidentiary support will exist for the allegations set forth herein after a reasonable opportunity for discovery.

NATURE OF THE ACTION

1. This is a federal securities class action on behalf of a class consisting of all persons and entities other than Defendants that purchased or otherwise acquired Boston Scientific

securities between April 24, 2019 and November 16, 2020, both dates inclusive (the "Class Period"), seeking to recover damages caused by Defendants' violations of the federal securities laws and to pursue remedies under Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 (the "Exchange Act") and Rule 10b-5 promulgated thereunder, against the Company and certain of its top officials.

2. Boston Scientific develops, manufactures, and markets medical devices for use in various interventional medical specialties worldwide. The Company's products include, among others, the LOTUS Edge Aortic Valve System, which is a Transcatheter Aortic Valve Replacement ("TAVR") product. Boston Scientific announced the U.S. Food and Drug Administration's ("FDA") approval for the LOTUS Edge Aortic Valve System in April 2019.

3. Throughout the Class Period, Defendants made materially false and misleading statements regarding the Company's business, operational, and compliance policies. Specifically, Defendants made false and/or misleading statements and/or failed to disclose that: (i) the LOTUS Edge Aortic Valve System's product delivery system was dysfunctional and threatened the continued viability of the entire product line; (ii) as a result, the Company had materially overstated the continued commercial viability and profitability of the LOTUS Edge Aortic Valve System; and (iii) as a result, the Company's public statements were materially false and misleading at all relevant times.

4. On November 17, 2020, Boston Scientific announced a global recall of all unused inventory of the LOTUS Edge Aortic Valve System, citing "complexities associated with the product delivery system." Boston Scientific further announced that "[g]iven the additional time and investment required to develop and reintroduce an enhanced delivery system, the company has chosen to retire the entire LOTUS product platform immediately."

5. On this news, Boston Scientific's stock price fell $3.00 per share, or 7.89%, to close at $35.03 per share on November 17, 2020.

6. As a result of Defendants' wrongful acts and omissions, and the precipitous decline in the market value of the Company's securities, Plaintiff and other Class members have suffered significant losses and damages.

JURISDICTION AND VENUE

7. The claims asserted herein arise under and pursuant to Sections 10(b) and 20(a) of the Exchange Act (15 U.S.C. §§ 78j(b) and 78t(a)) and Rule 10b-5 promulgated thereunder by the SEC (17 C.F.R. § 240.10b-5).

8. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1331 and Section 27 of the Exchange Act.

9. Venue is proper in this Judicial District pursuant to Section 27 of the Exchange Act (15 U.S.C. § 78aa) and 28 U.S.C. § 1391(b), as the alleged misstatements entered and the subsequent damages took place in this Judicial District. Pursuant to Boston Scientific's most recent annual report on Form 10-K, as of January 31, 2020, there were a total of 1,396,195,349 shares of the Company's common stock outstanding. Boston Scientific's common stock trades on the New York Stock Exchange ("NYSE"). Accordingly, there are presumably hundreds, if not thousands, of investors in Boston Scientific's common stock located within the U.S., some of whom undoubtedly reside in this Judicial District.

10. In connection with the acts alleged in this complaint, Defendants, directly or indirectly, used the means and instrumentalities of interstate commerce, including, but not limited to, the mails, interstate telephone communications, and the facilities of the national securities markets.

PARTIES

11. Plaintiff, as set forth in the attached Certification, acquired Boston Scientific securities at artificially inflated prices during the Class Period and was damaged upon the revelation of the alleged corrective disclosures.

12. Defendant Boston Scientific is a Delaware corporation with principal executive offices located at 300 Boston Scientific Way, Marlborough, Massachusetts. The Company's common stock trades in an efficient market on the NYSE under the ticker symbol "BSX."

13. Defendant Michael F. Mahoney ("Mahoney") has served as Boston Scientific's President and Chief Executive Officer at all relevant times.

14. Defendant Daniel J. Brennan ("Brennan") has served as Boston Scientific's Executive Vice President and Chief Financial Officer at all relevant times.

15. Defendants Mahoney and Brennan are sometimes referred to herein as the "Individual Defendants."

16. The Individual Defendants possessed the power and authority to control the contents of Boston Scientific's SEC filings, press releases, and other market communications. The Individual Defendants were provided with copies of Boston Scientific's SEC filings and press releases alleged herein to be misleading prior to or shortly after their issuance and had the ability and opportunity to prevent their issuance or to cause them to be corrected. Because of their positions with Boston Scientific, and their access to material information available to them but not to the public, the Individual Defendants knew that the adverse facts specified herein had not been disclosed to and were being concealed from the public, and that the positive representations being made were then materially false and misleading. The Individual Defendants are liable for the false statements and omissions pleaded herein.

17. Boston Scientific and the Individual Defendants are collectively referred to herein as "Defendants."

SUBSTANTIVE ALLEGATIONS

Background

18. Boston Scientific develops, manufactures, and markets medical devices for use in various interventional medical specialties worldwide. The Company's products include, among others, the LOTUS Edge Aortic Valve System, which is a TAVR product. Boston Scientific announced the FDA's approval for the LOTUS Edge Aortic Valve System in April 2019.

Materially False and Misleading Statements Issued During the Class Period

19. The Class Period begins on April 24, 2019. On April 23, 2019, post-market, Boston Scientific issued a press release announcing the FDA's approval for the LOTUS Edge Aortic Valve System (the "April 2019 Press Release"). That press release touted the LOTUS Edge Aortic Valve System's product delivery system and structure, representing, in relevant part, that the LOTUS Edge Aortic Valve System is "[d]elivered via a minimally-invasive procedure," which "is approved for patients with severe aortic stenosis who are considered at high risk for surgical valve replacement via open heart surgery"; that "[t]he LOTUS Edge valve system is the only FDA-approved aortic valve that gives physicians the option to reposition and completely recapture the valve once it has been fully deployed"; and that the product "also features a braided valve frame and an adaptive seal that minimizes paravalvular regurgitation or leaking (PVL) by conforming to the patient's native aortic valve."

20. The April 2019 Press Release also quoted Boston Scientific's executive vice president and global president of Interventional Cardiology, as well as the Company's executive vice president and global chief medical officer, who both likewise touted the LOTUS Edge Aortic

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