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### First Settlements in DePuy Defective Hip Replacement Suits

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Hip replacements are hailed as a miracle of modern medical technology, restoring mobility to otherwise incapacitated consumers for a good 15 to 20 years. The problems start when the artificial hips are defective and constantly dislocate or discharge metal splinters into the patient's body.



The first settlements were reached last month with three plaintiffs for \$200,000 a piece for defective Johnson & Johnson DePuy ASR hip replacements. Those payouts are just the tip of the iceberg, however, as the multinational company is facing another 8,000 or so lawsuits over the bad hips. Around 6,000 have been consolidated as multidistrict litigation, or MDL, with evidence discovery overseen by a federal judge in Ohio.

An estimated 93,000 people received the new hips over the eight years they were being sold, although the majority of them went to overseas consumers.

DePuy issued a recall of the hips in 2010. Previously, the company had insisted that the metal joints were safe, even though the FDA had refused to approve a similar version over safety concerns a year prior to the recall. As early as 2008, data was showing that the ASR hips were breaking down at high rates after only a few years of use, requiring additional painful surgeries for patients.

Johnson & Johnson has already spent an estimated \$800 million on the recall, and the lawsuits could end up running an additional \$2 billion.

#### Painful Metal Splinters



Jonathan Rosenfeld

So, what exactly is wrong with DePuy hips? "It's a metal on metal device," explains Jonathan A. Rosenfeld, a personal injury attorney in Chicago who is handling DePuy cases. "The joint itself, the ball and socket and the way they are sized and fit together, allows for the hip itself to become fairly easily dislocated."

That means instead of 15 to 20 years of easy, pain free walking, it's back to the doctor's office. "There are people who may have three, four, five dislocations of the hip," Rosenfeld says. "It's extremely painful. They have to be put back in the socket under sedation. Ultimately a lot of these need to be replaced."

Worse, breakdown in the joint can actually destroy the living tissue surrounding the hip and poison the patient. "There's wear and tear from friction between the ball and socket where metal splinters off and becomes implanted in the surrounding tissue. It can cause pain and suffering, and metal poisoning," says the lawyer.

Perhaps the worst consequence of defective hips comes when they need to be replaced, since the mere fact that a patient has already had one hip replacement necessarily limits the longevity of future procedures. "To remove the device and implant another one becomes more and more invasive," Rosenfeld says. Each additional replacement surgery has a shorter and shorter life expectancy before another is needed. For younger people who opted to replace a balky hip with the promise that they would get up to two decades of mobility before another surgery, finding out they really only got a few years and may be signed up for multiple replacements in their future is a tough pill to swallow. To say nothing of the possibility of contracting metal poisoning to boot.

Consumers with received hip replacements should contact their doctors if they aren't sure what type they received to find out if they are eligible for the recall. The earlier problems are caught, the better. It would also be wise to speak with an attorney to investigate the possibility of a lawsuit against the manufacturer. "Statistics tell us a fairly sizable number of people are going to have problems with the hip," says Rosenfeld. "The reality is it's not a bad idea if you do have a DePuy hip to talk to a lawyer to see what your rights are."

"The product was kept on the market for too long," he says. "A lot of people received these hips long after the company knew there were problems with it."

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