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Hip Replacement Failure Lawsuits Soar

An estimated 250,000 hip replacements are performed in the United States each year. Nearly a third of them involve all-metal implants, now known to be defective and to wear out prematurely. One faulty model, made by the Depuy division of Johnson and Johnson, was implanted in 40,000 patients before being recalled last year. Depuy has offered to pay for reasonable medical expenses not covered by a patient's insurance. Many patients, however, are finding that these payments fall short of covering the full scope of their damages. Seeking compensation for damages such as past and future medical bills as well as pain and suffering and lost wages, patients are turning to legal action. As of October, 3,500 lawsuits have been filed against Depuy for the pain, disability and financial costs caused by their all-metal artificial hips.

To date, expenses for defective hip replacements have been borne by taxpayers, insurers and employers. These costs are expected to rise to billions of dollars and will contribute to the surging cost of health care. In order to recoup their expenses, Medicare and health insurance companies are seeking reimbursement from lawsuit settlements received by patients. Hospitalization and medical costs arising from faulty hip replacements, especially when complications and infections set in, can run to hundreds of thousands of dollars per patient.

In 2002, Sulzer Orthopedics paid out a record \$1 billion to settle a class-action lawsuit involving defective knee and hip replacements. The Zimmer Durom Cup, recalled in 2008, has also been the subject of hip replacement failure lawsuits. Another company, Biomet, recalled a zirconia ceramic hip replacement product in 2001 and continues to be involved in lawsuits filed by patients damaged by this device.

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\$500,000 Settlement in Pennsylvania Jail Death

A federal lawsuit filed over the death of a 48 year-old man in a Pennsylvania jail cell has been settled for \$500,000. The man, Terry Johnson, died in February, 2007 as a result of peritonitis caused by a perforation to his intestine. The condition may have stemmed from gastric bypass surgery undergone by Johnson in 2002. According to the lawsuit filed by Johnson's widow, Lorraine, had prison officials taken proper action, her husband's death could have been prevented and he would have been spared 30 hours of excruciating pain.

Johnson had turned himself in after allegedly violating a single-count restraining order. He became ill shortly afterward. Although an electrocardiogram conducted by a jail nurse showed