

# **HERNIA MESH: WHAT YOU NEED TO KNOW ABOUT IT**

Imagine being in a hospital when surgery was performed to correct a hernia, then hearing about some serious complications that were a result of that surgery.

Some hernia patients are experiencing just that. A surgically implanted—and potentially defective—mesh device designed to correct hernias has been removed from the market because it was found to have higher revision rates than expected.

About 350,000 abdominal surgeries are performed each year.

## Hernia Mesh

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Doctors have been using a hernia mesh instead of stitches when repairing hernias because it reduces the chances that the hernia will return. Mesh was believed to provide the best long-term outcome by many doctors.

An abdominal hernia occurs when the intestines bulge through a weak spot in the abdominal wall. Over the past several years, doctors have used a sheet of flexible mesh to patch the weakness instead of stitching it.

Some patients who received a hernia mesh instead of stitches have experienced the following ill effects:

- Chronic infections
- Pain (with treatment)
- Seromas
- Abscesses
- Recurrences of hernia
- Bowel obstructions
- Adhesions

## FDA and the Hernia Mesh

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Complications from the hernia mesh have been reported to the FDA. The FDA cited in a report that the plastic material used to manufacture the mesh products is not appropriate for implanting in the human body. According to the FDA, those hernia mesh products are no longer on the market.

The FDA cleared some products through an approval process that does not require clinical trial or safety studies. After announcing several manufacturer recalls, the FDA did warn the public about adverse effects linked to the hernia mesh.

## Do You Need an Attorney?

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If you or someone you know used a hernia mesh and developed complications, you should consider contacting an attorney.

At Hupy and Abraham, S.C., we pride ourselves on being honest and straightforward with our clients and potential clients. It doesn't benefit anyone to pursue litigation when a case isn't strong.

When manufacturers put an inferior product on the market, they should be held responsible for it. If that product was not tested adequately, they should also be held responsible. It's also very important to secure evidence that the manufacturers knew about the product's serious risks, but did not share the information with the public or warn consumers.

The single best way to know if you need an attorney is to speak with one to share the details of your case, bring any evidence you have, and simply tell your story. At Hupy and Abraham, S.C., we understand that your story is sensitive and we will respond with the concern and compassion you deserve. Our attorneys will examine your possible case, answer your questions, and let you know your legal options.

## Getting Compensation for the Hernia Mesh

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Why should you file a lawsuit after a hernia mesh product was used? A serious diagnosis and medical issue can result in enormous losses, both financial and otherwise. If someone else, such as a manufacturer, is responsible for your health condition, they are also responsible for the costs your health condition incurs.

Specifically, you may be entitled to the following types of damages if you, or a member of your family, has been harmed by a hernia mesh:

- **Economic damages.** These damages include the actual money lost by defective products. Economic damages include medical costs, lost wages, lost future income, and lost earning power.

- **Non-economic damages.** A serious medical condition caused by a defective product can greatly affect your life, your abilities, and your happiness. A liable manufacturer may owe you compensation for any pain and suffering, mental anguish, permanent disabilities, loss of companionship, loss of consortium, or lowered quality of life.
- **Punitive damages.** If a company has been grossly negligent or if it is determined that the company has committed an egregious wrong, they may be asked to pay their victims more money as a punishment and as a deterrent. The amount received for punitive damages varies widely.

In short, damages are meant to accomplish two major goals: to compensate the victims and their families for what they have lost and to prevent similar incidents from happening in the future. By filing a lawsuit, you are not only making sure that you receive what you are lawfully owed, you are also making sure that others don't suffer in the way that you have.

## What Should You Do If You Have Been Harmed by a Hernia Mesh?

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When you suffer an injury in a traffic accident that is someone else's fault, the steps you take to get better and pursue compensation are relatively straightforward. If you believe that you have been harmed by a potentially defective product, the path to justice can be much less clear.

While all harmful products are different, there are a few things that everyone should do if they believe they are the victim of a harmful product:

- **Get the medical assistance that you need.** Nothing is more important than your health. If you believe a product is causing you health problems, illnesses, or adverse events, you should report your symptoms to a medical professional immediately and voice your concern that your health condition may be tied to that product. Not only will getting medical assistance considerably improve your chances of recovery and remission, but it will also document your health issues in the event that you would like to file a lawsuit.
- **Don't hesitate to get a second opinion.** We can't state this enough: Your health is the most precious thing you have. If your doctor isn't convinced that the product is affecting your health, or if your doctor isn't taking your health concerns seriously, seek a second opinion.
- **Be compliant.** It is difficult to get compensation for illnesses and medical costs if you don't follow treatment plans and doctors' orders. It's also difficult to get well if you aren't listening to your treating medical professionals.

- **Keep notes and records.** Take notes when you visit the doctor. Get copies of your medical records. Keep a diary of symptoms, illnesses, and health observations. Keep track of medical expenses and other monetary losses related to your harmful product. All of the information you collect could be important to your possible lawsuit.
- **Talk to an attorney—or two—about your case.** Far too many harmful product victims second-guess themselves or delay telling their stories. They do not realize that many medical attorneys offer free, private consultations, or that a knowledgeable lawyer can analyze the evidence in their case and explain their legal options.

## Hiring An Attorney? Ten Questions to Ask During Your Consultation

Even if you have decided that you want to learn more about your possible case, it can be difficult to know who to turn to, who to trust, and who will be your optimal partner and advocate. It is important to understand that not all attorneys have specific experience with regard to products like a hernia mesh. In addition, it is important to understand that different attorneys offer different experiences—and at different costs. Consider asking the following ten questions when you meet a potential lawyer before agreeing to work with him or her on your case:

1. Do you have experience handling defective product cases, especially products like a hernia mesh?
2. How do you conduct medical research related to cases like mine?
3. Do you utilize medical experts? If so, what are their credentials?
4. What do you believe are the most important aspects of a defective product lawsuit?
5. Can you share past defective product case results with me?
6. What are the strengths and weaknesses of my case?
7. What are my legal rights and what are my options for action?
8. Who in your office will handle my case? How will I contact you during my case?
9. What are your feelings on settling as opposed to going to court?
10. How do you bill your clients? What can I expect to pay if I win? What can I expect to pay if I lose?

Don't forget: It's not just experience and expertise that matter. In some cases, a lawyer's personality simply won't complement yours, or you may simply not work well with certain attorneys. If you don't feel comfortable with the attorney you have met, or you don't feel confident about partnering with him or her, consider talking to someone else before making your decision.

## How Hupy and Abraham, S.C., Can Help

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At Hupy and Abraham, S.C., we are dedicated to helping those who have been harmed by defective products—and we are committed to seeking justice for these victims and their families. We offer confidential, complimentary case evaluations to anyone who has been affected by a dangerous product. Take the first step by contacting us today, and we will take care of the rest.

We offer five convenient ways to contact us:

- Call us toll-free at 1-800-800-5678.
- Visit our website at [www.hupy.com](http://www.hupy.com).
- Fill out the electronic quick-contact form located on our website.
- Chat in real time with a real person by using the live chat option on our website.
- Stop by one of our offices, with eleven different locations in Wisconsin, Illinois, and Iowa.

## About Hupy and Abraham, S.C., P.C.

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Founded in 1969 in Milwaukee, Wisconsin, personal injury law firm Hupy and Abraham, S.C., has a proven record of success with large settlements in serious cases, collecting over a billion dollars for more than 70,000 satisfied clients. The firm has a long-established reputation of providing sound legal representation to accident victims, securing fair compensation for its clients and giving back to the community.

With 11 offices located in Wisconsin, Illinois, and Iowa, the law firm handles personal injury cases including car accidents, motorcycle accidents, wrongful death, pharmaceutical and medical device class actions, and nursing home neglect and abuse cases.

The firm's 24 experienced attorneys are committed to going above and beyond the call of duty for their clients by tirelessly representing them to the best of their ability while being involved in the local community—from raising funds for local charities to

participating in safety and accident prevention initiatives. In the past three years, the firm has donated more than \$500,000 to more than 250 worthwhile causes.

**Hupy and Abraham, S.C. has received top ratings from** a number of national professional organizations for many years and was voted *Best Personal Injury Lawyers in 2016, 2015, 2014, 2013, 2012 and 2011* and voted *Best Personal Injury Law Firm in 2016, 2014, 2013 and 2012* in another popular poll, and named *Best Law Firm in the Milwaukee Journal Sentinel's Top Choice Award in 2015 and 2016*. In 2015, the firm was named a *Webby Award Honoree in the Best Law Website Category* and was *honored at the Legal Marketing Association's "Your Honor Awards" for Best Website: Reboot*.