

**BAIR HUGGER™ :**  
**WHAT YOU NEED TO KNOW ABOUT IT**

Some patients have been developing deep infections after undergoing a surgical procedure like hip or knee replacement surgery. The infections developed after doctors used a Bair Hugger warming system during the surgeries.

Bair Hugger is a warming blanket used to keep patients warm during surgery. Patients under anesthesia cannot regulate their body heat, causing their body temperature to drop rapidly. According to studies, keeping patients warm brings benefits such as less bleeding and a faster recovery.

## Bair Hugger

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Dr. Scott Augustine, an anesthesiologist, invented Bair Hugger two decades ago to keep patients warm during surgery. The Bair Hugger works like a forced-air heater and carries warmed air through a hose to a special blanket that is draped over the patient.

That warm air from the Bair Hugger is alleged to “lift” bacteria off the floor and spread it onto the open surgical wound. This system is reportedly used in 80 percent of all hospitals in the United States. It has been used more than 160 million times.

3M, the manufacturer of Bair Hugger, continues to stand by its product and says the warming blankets are safe and effective for all surgeries. Even though Dr. Augustine wants hospitals to stop using his invention because of the infection risk, hospitals continue to use the Bair Hugger.

As a result of using the Bair Hugger, patients are at a higher risk of developing methicillin-resistant *staphylococcus aureus* (MRSA), sepsis, and other serious infections. Signs of serious infection include:

- Fatigue
- Fevers and chills
- Swelling
- Increased pain or stiffness

Some patients may run a higher risk of developing infections than others. The following factors can contribute to the infection risk:

- Diabetes
- Immune deficiencies, such as HIV and lymphoma
- Immunosuppressive treatments, such as chemotherapy
- Obesity

## FDA and the Bair Hugger

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In 1987, the U.S. Food and Drug Administration (FDA) approved the use of the Bair Hugger. No recall has ever been issued for the Bair Hugger. Problems with the product, including burns from prolonged usage to heat during surgery and cold air blowing during surgery, have been reported to the FDA.

The FDA has not issued any statement or warning about the Bair Hugger's infection risk.

## Do You Need an Attorney?

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If your doctor ordered the Bair Hugger be used on you during a surgical procedure, and if you developed an infection afterwards that required an additional hospital stay or additional surgery, you should consider contacting an attorney. Likewise, if you know that a friend or relative had a serious infection after a surgery in which a Bair Hugger was used, you should recommend that friend consult with a lawyer.

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. Share the details of your case, bring any evidence you have, and simply tell your story. A lawyer from Hupy and Abraham, S.C. will respond to the sensitive story with the concern and compassion that you are entitled to receive. Our attorneys will examine your possible case, answer your questions, and let you know your legal options.

## Getting Compensation for Bair Hugger

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Why should you file a lawsuit after the Bair Hugger was used? A serious diagnosis and medical injury—such as an infection—can result in enormous losses, both financial and otherwise. If a product manufacturer is responsible for your health condition, it is 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 the Bair Hugger:

- **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 the company has committed an egregious wrong, it may be asked to pay its 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: 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 the Bair Hugger?

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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 your 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, 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 that 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

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Even if you have decided that you want to learn more about your possible case, it can be difficult to know whom to turn to, whom 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 the Bair Hugger. In addition, it is important to understand that different attorneys offer different experiences—and at different costs. Below, we've listed ten questions that you should ask potential lawyers before agreeing to work with them on your case.

1. Do you have experience handling defective product cases, especially products like the Bair Hugger?
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 are speaking with, or if 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.

There are five ways of contacting us today:

- 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 11 different locations in Wisconsin, Illinois, and Iowa.

## About Hupy and Abraham, S.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 hundreds of millions of dollars for more than 60,000 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 22 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 donated more than \$500,000 to more than 100 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 2014, 2013, 2012 and 2011 and voted Best Personal Injury Law Firm in 2014, 2013 and 2012 in another popular poll, and named Best Law Firm in the *Milwaukee Journal Sentinel's* 2015 Top Choice Award. 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.

To learn more about Hupy and Abraham, S.C., visit their website at [www.hupy.com](http://www.hupy.com).