

# **DEPUY HIP REPLACEMENTS: WHAT YOU NEED TO KNOW ABOUT THEM**

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As people get older, some of their bones actually do get weary and tired. Sometimes, bones and joints need to be replaced by doctors to improve a person's health and quality of life.

In 2005, DePuy Orthopaedics, Inc., a subsidiary of Johnson & Johnson, introduced a hip replacement system. The DePuy hip replacement was designed to ease pain and restore mobility that had been lost because of injury, age, or disease. It was intended to be an innovative metal-on-metal replacement, in contrast to the ceramic or man-made materials that were being used in implants at the time.

## DePuy Hip Replacements: The Timeline

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As soon as the devices were available, doctors began to use DePuy hip replacements during surgery. Soon after, patients began to complain about their hip replacements being painful. The metal parts of the implants began to grind together, causing discomfort.

At first, rather than admitting it manufactured a defective product, DePuy blamed doctors and patients for the device failures. Other hip replacements on the market last an average of 15 years, while 37 percent of the DePuy hip replacements lasted only four and a half years.

In August 2010, DePuy released some information about its hip replacement products. Its executives admitted that 13 percent of their 93,000 hip replacement products had to be removed and replaced due to failure. That means about 12,000 patients had to undergo another painful, risky, and complicated surgery.

Some effects that hip replacement patients suffered after receiving the DePuy hip replacement include:

- Bone loss
- Tissue death around the hip joint
- Loss of mobility
- Groin pain
- Inflammation around joint
- Joint failure

Since the implant was metal-on-metal, there were more effects that patients suffered, including:

- Metal in the bloodstream, leading to cardiomyopathy
- Thyroid dysfunction
- Neurological effects
- Psychological effects

## FDA Warnings About DePuy Hip Replacements

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In July 2010, the U.S. Food and Drug Administration (FDA)—which regulates medical devices and implants—issued a recall warning for DePuy hip replacements. The recall came after 93,000 defective products were sold by DePuy; those hip replacement systems had a 62 percent failure rate.

Back in 2005, when DePuy sought FDA approval to put its hip replacement on the market, the FDA moved the approval process quickly. At that time, the FDA felt that the newer replacements were similar to others currently on the market, so a thorough scrutiny of the new product never actually happened.

## Do You Need an Attorney?

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If you know someone who had a DePuy hip replacement and that person suffered adverse medical effects or had to endure another hip replacement surgery, then your friend 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. They should also be held accountable if that product was not tested adequately. 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 a DePuy Hip Replacement

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Why should you file a lawsuit after a DePuy hip replacement? A serious diagnosis and medical issue can result in enormous losses, both financial and otherwise. Sometimes medical complications are simply due to bad luck. However, if someone else—such as a manufacturer—is responsible for your health condition, he 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 a DePuy hip replacement:

- **Economic damages.** These damages include the actual money lost because of a defective hip implant. Economic damages include medical costs, lost wages, lost future income, and lost earning power.
- **Non-economic damages.** A severe medical condition caused by a defective device 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, 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 a DePuy Hip Replacement?

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 all consumers 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, 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 who 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 defective medical products, such as a DePuy hip replacement. 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 DePuy hip replacements?
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 eleven 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 precedent-setting cases, collecting hundred of millions of dollars for thousands of 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.

The law firm, which has offices located in Iowa, Illinois, and Wisconsin, handles personal injury cases including car accidents, motorcycle accidents, wrongful death, and pharmaceutical and medical device class actions.

The firm's sixteen 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 2012, the firm donated more than \$200,000 to over 100 community organizations.

Hupy and Abraham, S.C., has received top ratings from a number of national and local professional organizations for many years. The law firm was voted Best Personal Injury Lawyers by the readers of the *Shepherd Express* in 2011, 2012, and 2013 and named Best Personal Injury Law Firm by voters in the *WISN A-List poll* in 2012.

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