

**POWER MORCELLATORS:  
WHAT YOU NEED TO KNOW ABOUT IT**

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When a patient enters the hospital for a surgical procedure, the intention is to improve a health issue, not to create or worsen one. But that has been the disastrous result in far too many surgeries using a specific medical device.

During some surgeries in recent years, doctors have used a device called a power morcellator. Power morcellators have been used to cut or sever large bodies of tissue for easier removal from an internal surgical site during hysterectomies and myomectomies, the surgical removal of fibroids or noncancerous growths in the uterus. Power morcellators also have been used in spleen and renal surgeries.

For patients, the goals of using a power morcellator were a less invasive surgery and a quicker recovery time.

## Power Morcellator

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Johnson & Johnson led the market in morcellator device sales. Up to 50,000 surgeries a year involved a power morcellator.

Doctors would insert a power morcellator through a small incision to cut tissue into small pieces, making it easier to remove it. But the devices' spinning action can spread malignant tissue through the abdominal cavity, leading to cancerous growths and other medical problems.

The cancerous growths could lead to metastatic leiomyosarcoma, an aggressive and deadly form of uterine cancer for women. Other serious complications as a result of using a power morcellator included bowel obstructions, infections, and painful tissue growths on other internal organs.

## FDA Warnings About Power Morcellators

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As evidence began pointing to the spread of cancer in women as a result of using power morcellators, the FDA recommended that doctors stop using them. According to the FDA, thousands of hysterectomies were performed using power morcellators, leaving one in 350 women at risk for a deadly cancer.

In July 2014, Johnson & Johnson withdrew power morcellators from the market. They claimed it was not a recall because they believe the devices performed as intended. The leading manufacturer simply called it a "worldwide voluntary market withdrawal."

## Do You Need an Attorney?

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If someone you know or knew had surgery that used a power morcellator and led to serious complications, including cancer, and even death, they 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 responsible 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 Power Morcellators

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Why should you file a lawsuit if a power morcellator was used during a surgical procedure? 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, have been harmed by a power morcellator:

- **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 Power Morcellator?**

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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 you should do if you believe you have been 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 power morcellators. 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 power morcellators?
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 case evaluations at no charge 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**.
- 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 serious cases, collecting tens 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, and 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 *WISNA-List* poll in 2012 and 2013.

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