

IVC FILTERS: WHAT YOU NEED TO KNOW ABOUT THEM

Multiple medical devices on the market today have been designed for medical professionals to save patients' lives. But when such devices start to malfunction and cause problems for patients, those patients need to be informed and updated about those problems.

IVC filters are small, cage-like devices that are inserted into the inferior vena cava (the main vessel returning blood from the lower half of the body to the heart) to capture blood clots and to stop them from reaching the lungs. Patients at risk for pulmonary embolism (a blood clot in the lungs) receive the IVC filter when other therapies have not been successful. An IVC filter can be a permanent implant, but some of them have the option to be removed.

IVC Filters

IVC filters are manufactured by Cook Medical, Inc. and C.R. Bard. The devices were designed to catch and dissolve blood clots. In 1979, 2,000 IVC filters were used in patients, and in 2012, almost 260,000 IVC filters were being used in patients. Some of the devices were to be used on a temporary basis, while others were to be used on patients permanently.

As a result of using the IVC filter, some patients have encountered some complications, including:

- Filter fracture with pieces that could injure the heart and lungs
- Device migration with the devices becoming ineffective or eroding into the body
- Difficulty removing the devices from the body
- Perforated tissues or organs causing serious internal bleeding or hemorrhaging
- Neck or chest pain
- Shortness of breath
- Death

The FDA and IVC Filters

In 2010, the U.S. Food and Drug Administration (FDA) recommended that doctors who treated patients with IVC filters remove them as soon as protection from a pulmonary embolism is no longer needed.

The FDA issued an updated safety communication in 2014. Since 2010, the FDA reported 921 IVC filter complaints. Because of complications that were still associated with IVC filters, along with the fear that doctors were not removing the short-term devices when the risk of pulmonary embolism had decreased, the FDA again recommended immediate removal.

Do You Need an Attorney?

If you or someone you know had an IVC filter implanted during a surgical procedure and later had severe health problems, then you or 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. And, 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 your 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 the IVC Filter

Why should you file a lawsuit after the IVC filter was used? A serious diagnosis and medical difficulties can result in enormous losses, both financial and personal. If someone else, such as a manufacturer, is responsible for your health condition, then that party 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 IVC filter:

- **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, it 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 the IVC Filter?

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 victims of harmful products 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 where 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 IVC filter. 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 IVC filter?
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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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 11 different locations in Wisconsin, Illinois, and Iowa.

About Hupy and Abraham, S.C.

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 injury 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 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 2014, 2013, 2012 and 2011; voted Best Personal Injury Law Firm in 2015, 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."