

# DePuy Denies Gulf War Veteran's Hip Replacement Recall Claim

Seeger Salvas Warns Hip Replacement Recall Victims That DePuy Could Deny Their Claim And Argue That They Caused Their Own Injuries

SAN FRANCISCO, CA, October 19, 2010 **/24-7PressRelease/** -- In an alarming court filing on October 15th, Johnson & Johnson subsidiary DePuy Orthopaedics denied Gulf War veteran Scott Almhjell's claim for the injuries that he suffered when DePuy's recalled hip replacement had to be surgically removed from his body. DePuy argues that Mr. Almhjell was not injured at all, or that if he was, he caused his own injuries and does not deserve compensation.

Scott Almhjell is a Gulf War veteran who lives in Scottsdale, Arizona. When he needed a hip replacement in 2007, his doctor used DePuy's ASR hip implant. At this time, DePuy knew that the ASR implant had failed in several other people, and that those patients had to undergo surgeries to remove the defective hip implant. Despite this knowledge, DePuy still sold the defective hip replacement to Mr. Almhjell without telling him about the known problems with the device.

Three years later, after hundreds of people had the ASR hip replacement catastrophically fail in their body, DePuy couldn't hide its problem any longer. In August 2010, DePuy finally recalled the ASR implant and admitted that it failed in 13 percent of patients, and that these people had to undergo surgery to remove their defective hip replacement.

Tragically, Mr. Almhjell was one of the 13 percent of patients whose hip implant failed. He had to undergo a painful, risky, and complex surgery to remove and replace the defective hip replacement. He still suffers with daily pain caused by DePuy's recalled hip replacement and his injuries may be permanent.

In August, Mr. Almhjell filed a claim seeking to recover the damages that DePuy's [hip replacement recall](#) caused. In a response filed last week, DePuy denies that Mr. Almhjell was injured at all, and argues that if he was injured, it was because of an "unforeseeable illness, unavoidable accident, or preexisting condition, without any negligence or culpable conduct by DePuy Orthopaedics." DePuy also claims that Mr. Almhjell was negligent, careless and at fault and conducted himself so as to contribute substantially to his alleged injuries and damages." DePuy argues that such "negligence, carelessness, and fault" bars Mr. Almhjell from recovering damages against DePuy.

[Brian Devine](#), a former executive at a global manufacturer of hip implants who now represents Mr. Almhjell and other victims of DePuy's [hip implant recall](#), warns victims of DePuy's hip implant recall about DePuy's denial of claims. "Johnson & Johnson and DePuy have an army of defense lawyers and insurance adjusters who are protecting their interests," Mr. Devine said. "With DePuy now blaming innocent victims, patients who have one of DePuy's defective hip implants should consider whether they should have an attorney who protects their interests."

## ABOUT US

Brian Devine, a partner at Seeger Salvas LLP, is the former Assistant General Counsel of Sulzer Medica, a global manufacturer of hip implants. He now uses his years of experience inside the

orthopedics industry to represent victims of DePuy's [hip replacement recall](#).

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