

Seeger Salvas Sues J&J Division Over Faulty Hip Implant Device Now Recalled by FDA After Hundreds of Failures

Insurance Companies or Medicare Could End Up Paying Much of the Resulting Costs for Corrective Medical Procedures

SAN FRANCISCO, Aug. 31 / -- Hip-implant surgery is commonplace, but a higher than expected number of failures began to surface in patients who had received an implanted device manufactured by a division of J&J. According to company statistics, about one in eight implant patients requires a painful and expensive second procedure called a "revision surgery."

Yesterday, San Francisco-based Seeger Salvas, LLP (<http://orthopediclaw.com/>) filed a series of four lawsuits ([Sample Case #BC444554](#)) on behalf of just such patients from Los Angeles, Chicago, Arizona, and Virginia, with several more suits to follow. The filings allege that, based on over 300 complaints, the manufacturer, DePuy Orthopaedics, Inc., was "fully aware" that the device was defective at the time the plaintiffs were implanted with it, yet took no action to prevent the implants in question.

It is believed that the defect is related to the metal-on-metal, ball-and-cup design, which can release metal particles into the body as a result of friction. Implanted devices from other manufacturers use metal-on-plastic instead.

The scope of the problem is considerable, with about 93,000 such DePuy implants having been performed worldwide. With a failure rate of about 13 percent, over 12,000 implant recipients could require revision surgery, a pricey procedure costing as much as \$50,000 or more. The total combined surgeries could amount to \$600 million, by conservative estimate.

Under FDA order, DePuy has recalled two hip-implant devices in question, and says it intends to cover "reasonable and customary costs of testing and treatment ... including revision surgery." However, the company advises that medical bills first be submitted to insurance carriers or Medicare for reimbursement, with the balance to be paid by DePuy. That means that both the insurance carriers and the government could be paying for product liability expenses that would otherwise accrue to the manufacturer.

Brian Devine and Ken Seeger, the Seeger Salvas attorneys handling the case, have extensive experience on both the defense and plaintiff sides of similar litigation. They are currently representing clients across the U.S. who have received DePuy implants.