



# Zimmer Durom Cup FAQ



## Free Case Review

Lieff Cabraser represents persons across America injured by the recalled Zimmer Durom Cup. To contact an experienced injury attorney for a free case evaluation, please call us toll-free at 1-888-321-1510 and ask to speak to attorney Lexi Hazam or visit [www.lieffcabraser.com](http://www.lieffcabraser.com).

## Frequently Asked Questions about the Zimmer Durom Cup Recall

Lieff Cabraser Heimann & Bernstein, LLP, has successfully represented thousands of persons across America in individual personal injury lawsuits, including patients who received faulty artificial hip implants. With offices in San Francisco, New York, Nashville, and Seattle bring the legal and financial resources of a national law firm to obtaining justice for our clients.

### 1. What is the Zimmer Durom Cup?

The Zimmer Durom Cup is an orthopedic device used in total hip replacement surgeries. It was manufactured and sold by Zimmer Inc., the nation's largest producer of implanted orthopedic devices.

### 2. How is the device supposed to work?

During hip replacement surgery, damaged portions of the hip are replaced with smooth, durable artificial surfaces to allow the joint to function properly. The Zimmer Durom Cup is not cemented or screwed in place during implantation. Instead, it was designed to bond to the patient's hip bone. The outside of the Durom Cup is porous, and has been sprayed with a highly engineered substance that is intended to facilitate the cup's acceptance by the human body. It is intended that the patient's own bone will grow into the exterior shell of the cup.

### 3. How is the Zimmer Durom Cup actually working for many patients?

Unfortunately, many patients are finding that their Zimmer Durom Cup implant resists bone growth. Instead of adhering to the bone, the Durom Cup comes loose and/or pops free from the hip. This unintended result can cause moderate discomfort to extreme and devastating pain. Some patients have had to undergo revision surgery to remove the failed Durom Cup and replace it with a product that functions properly.

### 4. Has Zimmer recalled the Durom Cup?

No. There was never a formal recall of the Durom Cup.

In July 2008, Zimmer announced that it was "temporarily suspending" sales of the Durom Cup. However, Zimmer denied any "evidence of a defect" with the Durom Cup and refused to issue a recall notice in accordance with procedures established



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Newsletter from the national law firm of LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

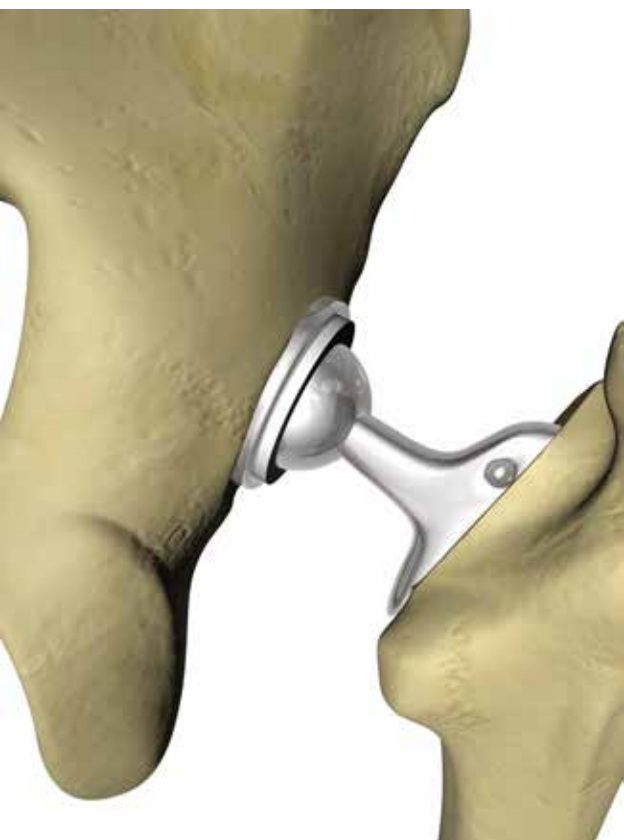
by the Food and Drug Administration. Zimmer brought the medical device back on the market in August 2008 and continued to sell it until December 2010.

## 5. How many persons were implanted with the Durom Cup?

The Durom Cup was first sold in the U.S. by Zimmer in 2006. It is estimated that more than 12,000 patients received it.

## 6. How many persons are expected to be forced to undergo revision, or a second surgery, to replace their defective Zimmer Durom Cup?

Based on information we have received from our discussions with hip surgeons throughout the country, we estimate the failure rate of the Durom Cup to be between 20% and 30%. The true failure rate of the Zimmer Durom Cup may climb much higher in the coming years as doctors and their patients come to realize that their implants are gradually failing.



## 7. Why are the Durom Cup implants failing?

Lawsuits filed by Lief Cabraser patients allege the Zimmer Durom Cup is defective and fails due to certain design flaws. Specifically, the device is an all-metal implant.

Two failure issues have emerged with all-metal implants: one, the devices slip or the shell does not sit in place in the hip acetabulum and it resists

bone growth; and, two, the friction of metal-on-metal wear causes microscopic metal shavings to be released into the surrounding blood and tissue. This release of metal can cause elevated blood levels of cobalt and chromium, which can cause "metallosis," or an inflammatory reaction to the elevated metals in the tissue and the blood.

## 8. What should I do if I have been forced to undergo revision surgery or told that my Zimmer hip implant is failing?

We recommend you consult with an attorney. You have the right to discuss with an attorney your legal rights and claims against Zimmer, as well as the legal deadlines applicable to filing a complaint. Many attorneys, including those at Lief Cabraser, are willing to provide free consultations without obligation.

We recommend that you not sign any documents given to you by any Zimmer representative until after you have consulted with an independent law firm such as Lief Cabraser that is working for patients, not Zimmer.

## 9. What if I am told that Zimmer will resolve the case directly without an attorney representing me, and I don't "need" to spend the money on an attorney?

We recommend that you consult with an attorney, anyway. You are certainly not obligated to use an attorney to resolve any claims you have with Zimmer, but we believe your interests will be better protected by an independent law firm working for patients, not by a Zimmer representative. Many attorneys, including Lief Cabraser, are willing to provide free consultations without obligation.

## 10. What types of claims may I be eligible in bringing?

The law in most states provides individuals with legal claims including the right to compensation for past injuries they suffered as a result of a medical device that is defective or fails to perform as advertised under certain circumstances. These damages may include past and future medical expenses, past and future lost earnings, other out-of-pocket expenses, and damages for pain and suffering.

## 11. What recovery will I receive?

If Zimmer is found liable or settles with you out-of-court through your attorneys' representation of you, you should expect a settlement or judgment that will fully compensate you for your medical bills, your pain and suffering and humiliation, and other financial losses. If you suffered a personal injury, the defendant will be responsible for paying for your medical care, both past and to be incurred in the future that is attributable to the defective device, your past and future lost earnings and any limitations on your ability to earn money, and compensation for pain and suffering. Your spouse also might be entitled to an award of loss of services and emotional support.

We have economists on retainer who specialize in evaluating injuries and losses and in calculating the lump-sum amounts necessary to determine a fair monetary compensation for your economic damages.

## 12. Can any money be advanced by Zimmer without prejudicing my potential future claims?

It is important to carefully read and study any and all such offers to make sure there are no hidden costs or waiver of

rights. Consulting with an attorney prior to signing any legal documents can often help guide appropriate action and reveal potential problems.

## 13. How quickly must I hire an attorney?

You should not feel pressured to make an immediate decision about hiring counsel. Focusing on restoring your health should take precedence over legal issues at this difficult time. However, keep in mind that there is a deadline for filing lawsuits. This deadline is known as the statute of limitations and varies from state to state. Some states have only a one-year statute of limitations.

## 14. Will I have to pay a fee for your review of my case?

There is no charge for Lieff Cabraser's review of your case. If we decide we can represent you, we will discuss our contingent fees (calculated as a percentage of the recovery we obtain) and then provide a written contract to be agreed upon with you in writing.

## 15. How long will a lawsuit take?

We cannot give any guarantee as to when any case will be resolved. In some instances, a case will settle to our client's satisfaction shortly after it is filed, or perhaps even before. In other cases, a final resolution may take two years or more.

Lieff Cabraser works swiftly and efficiently to obtain the maximum compensation for our clients and to bring each case to a successful conclusion as quickly as possible, while at the same time ensuring that all legal steps are vigorously pursued. We do not charge our clients hourly fees and earn no compensation for ourselves until you receive

## Our Promise to You

- Our injury lawyers have successfully represented thousands of clients across America in personal injury cases involving defective medical devices. We provide each client with high-level individualized representation.
- There is no charge or obligation for our review of your injury lawsuit.
- We have retained product safety and medical experts nationwide to assist our clients with their claims.
- In addition to a team of experienced lawyers, we work with a team of dedicated nurses, researchers, legal assistants, and case clerks to assist our attorneys in the investigation and prosecution of each DePuy hip case. Our firm has five full-time nurses, including ones with decades of experience working with patients.



## Contact a Zimmer Durom Cup Personal Injury Attorney

If you or a loved one have been injured by a Zimmer Durom Cup, please visit us at [www.lieffcabraser.com](http://www.lieffcabraser.com) or call us toll-free at 1-888-321-1510 and ask to speak to attorney Lexi Hazam. Our personal injury attorneys and legal nurse consultants will promptly review your case for no charge and with no obligation on your part.

your recovery.

In the Zimmer hip litigation, we entered into a mediation program with Zimmer and have been able to settle the majority of our clients' cases on favorable terms.

### 16. Do I need a lawyer? Why don't I just contact Zimmer and work it out with their insurance company?

It is usually not advisable to try to resolve on your own a case involving a defective medical device causing substantial and prolonged injuries. An attorney can be critical to properly evaluating your case and advising you of your rights. Without counsel, and the experts counsel hires, you may never know the true value of your case.

It is important to understand that a company like Zimmer and its insurers employ the services of lawyers who seek to minimize the legal exposure and financial payments that will be made to the victims of this defective device. In contrast, our duty is to maximize the compensation that our clients are entitled to receive.

### 17. How do I select an attorney to represent me?

In deciding on representation, you should seek a law firm with substantial experience in successfully prosecuting similar cases. It is important not only to verify the reputation and experience of the law firm as a whole, but to be sure that your case will be handled by lawyers with appropriate experience. You should choose a law firm with sufficient financial resources to conduct a thorough investigation to prosecute the case through trial and appeal if necessary.

### 18. What is Lieff Cabraser's track record in defective medical devices cases?

Lieff Cabraser possesses decades of experience assisting patients in obtaining justice for the injuries they suffered from defective medical devices and products.

In 2001, we helped hundreds of people who were forced to undergo revision surgery to remove defective hip and knee implants manufactured by Sulzer Orthopedics. We played a significant role in negotiating a settlement with Sulzer valued at more than \$1 billion. In May 2002, the Court granted final approval to the revised settlement.

We have retained experts to assist us in prosecution of the Zimmer Durom Cup hip litigation. We are actively prosecuting our clients' cases and participating in the mediation program described above.

# Lieff Cabraser Heimann & Bernstein

Attorneys at Law

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Disclaimer: This document is not intended to provide medical advice. Any questions specific to your health should be posed to your physician. The hiring of an attorney is an important decision that should not be based solely upon promotional materials. Before you decide to retain us, feel free to ask us any questions you may have concerning our qualifications and experience. Prior results do not guarantee a similar outcome.