



# DePuy Metal Hip Recall



## Free Case Review

Lieff Cabraser represents persons across America injured by the DePuy ASR and Depuy Pinnacle metal-on-metal hip implants. To contact an experienced injury attorney for a free, no-obligation case evaluation, please call us toll-free at **1-800-541-7358** and ask to speak to attorney Lexi Hazam or visit [www.depuymetalhiprecall.com](http://www.depuymetalhiprecall.com)

## Frequently Asked Questions about DePuy Metal Hip Implants

Since our founding 41 years ago, 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 located in San Francisco, New York, and Nashville, we bring the substantial legal and financial resources of a national law firm that are necessary for individuals to obtain justice from the nation's largest corporations.



### 1. Which DePuy hip implants were recalled?

On August 26, 2010, DePuy Orthopaedics, a subsidiary of Johnson & Johnson, announced the recall of its hip implants known as the ASR XL and ASR Hip Resurfacing systems. DePuy has not recalled the Pinnacle hip implant with a metal liner, also called the Ultamet metal liner.

The most current data comes from the United Kingdom, where there is a national registry of patients. This data indicates a failure rate of the ASR implant for as many as one in two patients within six years of their surgery.

### 2. How many persons received the DePuy ASR hip implants?

More than 93,000 hip implants were sold worldwide before DePuy stopped production in 2009. The latest information we have been able to obtain is that approximately 40,000 were implanted in the U.S. from sometime before the FDA approval in August 2005 through August 2010, the date of the recall.

In March 2011, the British Orthopaedic Association and the British Hip Society reported data on the DePuy ASR XL Acetabular System from four surgeons showing that the rate of second operations, or revisions, ranged from 21 percent after four years to 49 percent after six years. John Skinner, an orthopedic surgeon and chairman of the expert advisory group, stated that this information was "probably the best indicator so far of what the failure rate is likely to be."



### 3. How many persons are likely to have their DePuy ASR implants fail?

### 4. Why are the DePuy metal hip implants failing?

The DePuy ASR implant is a metal-on-metal implant. The DePuy Pinnacle hip with the Ultamet metal liner is also a metal-on-metal artificial hip.

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# DePuy Hip Recall

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



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

DePuy has informed physicians that patients should undergo blood tests to determine the presence of certain metals, including cobalt released from the metal-on-metal implants.

## 5. What should I do if my DePuy 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 DePuy, as well as the legal deadlines applicable to filing a complaint. Many attorneys, including those at Lieff Cabraser, are willing to provide free consultations without obligation.

We recommend that you not sign any documents given to you by a DePuy investigator, lawyer, or agent until after you have consulted with an independent law firm such as Lieff Cabraser that is working for patients, not DePuy.

## 6. 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.

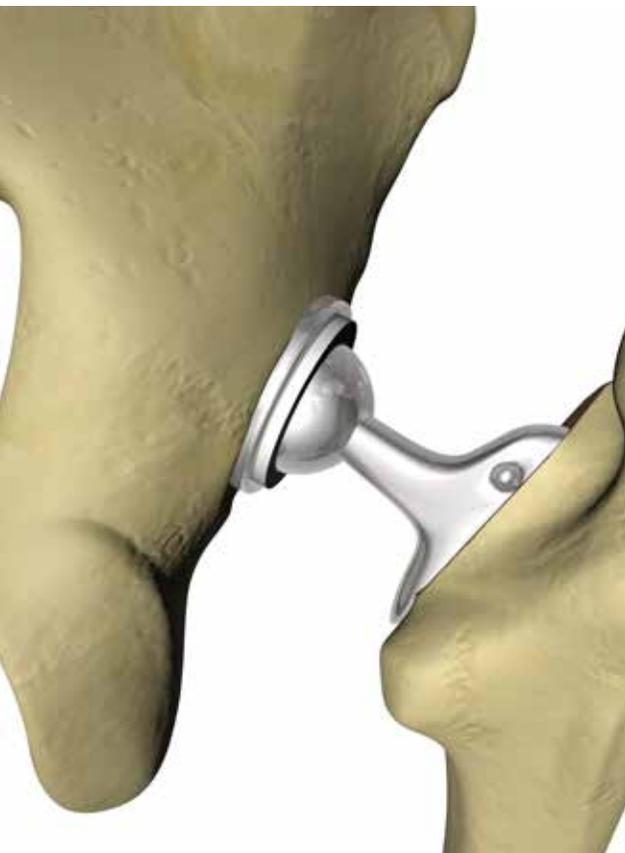
## 7. What recovery will I receive?

If DePuy 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.

## 8. Can any money be advanced by DePuy without prejudicing my claim?

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.



"Their effective and caring advocacy for clients has earned Lieff Cabraser its first-class reputation."

The Daily Journal

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

### 9. 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. Known as the statute of limitations, the deadline varies from state to state. Some states have only a one-year statute of limitations.

### 10. What is Broadspire and should I work with Broadspire?

Broadspire is a third party contractor hired by DePuy and Johnson & Johnson to deal with claims for medical bills of DePuy hip implant recipients. We advise our clients not to work directly with Broadspire. If it is in the client's best interest, your attorneys can work with Broadspire on your behalf.

Broadspire is offering only to pay patient out-of-pocket medical costs, meaning that the patient's insurance company (whether private, Medicaid or Medicare) will have to pay most of the medical costs. Broadspire is not offering to pay for all the non-medical expenses or losses that may be associated with the defective device, or for the pain and suffering of patients.

DePuy may require that patients wishing to contact Broadspire sign a medical authorization allowing DePuy to access the patient's medical records and to take possession of the removed ASR device, if the patient has had revision surgery. When you are represented by your own attorney,

DePuy may only access your medical records or removed ASR device under the attorney's supervision. This ensures that your right of privacy is protected and that evidence relevant to your claim is properly handled and remains accessible to you.

### 11. 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.

### 12. 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 your recovery.

### 13. Do I need a lawyer? Why don't I just contact DePuy 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

## 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 our experienced lawyers, we have a team of nurses, researchers, legal assistants, and case clerks assigned to the prosecution of the DePuy litigation. Our firm employs five full-time nurses, including ones with decades of experience working with patients.



## Contact a DePuy Hip Replacement Personal Injury Attorney

If you or a loved one have been injured by a DePuy artificial hip, please visit us at [www.depuymetalhiprecall.com](http://www.depuymetalhiprecall.com) or call us toll-free at 1-800-541-7358 and ask to speak to attorney Lexi Hazam. We will promptly review your case for no charge and without any obligation on your part.

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 DePuy 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.

Many attorneys, including Loeff Cabraser, are willing to provide free consultations without obligations.

### 14. 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.

### 15. What is Loeff Cabraser's track record in defective medical device cases?

Loeff Cabraser has successfully represented thousands of clients across America with defective medical devices in individual lawsuits.

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 January 2011, the Court overseeing all DePuy recall lawsuits in federal court appointed the leadership team of plaintiffs' counsel for the organization and coordination of the litigation. The Court appointed Loeff Cabraser attorney Wendy R. Fleishman to the Plaintiffs' Steering Committee.

We have retained experts to assist us in the prosecution of the DePuy ASR and DePuy Pinnacle metal-on-metal hip implant litigation. We are actively representing over 180 injured DePuy hip patients nationwide.

# Loeff 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.