DePuy ASR Hip Implant Recall

Introduction

On the 26th August 2010 DePuy Orthopaedics Inc. announced a worldwide recall of its ASR Hip Implant, which first came to market in 2003. Over 3,500 patients underwent DePuy hip implant surgeries in fourteen private and sixteen public hospitals in Ireland.

At the end of 2010 it was estimated that the failure rate for the DePuy ASR hip implant stood at 13% after five years. It is now projected that 49% of all DePuy ASR hip implants could fail within six years, so 1,700 people in Ireland alone may require the revision surgery.

What symptoms are patients of defective implants experiencing?

Those patients who have been implanted with defective DePuy hip implants may have pain, loss of mobility and in some cases, softtissue injuries to muscles and nerves in the area of their hip.

What is Metallosis/metal poisoning?

In addition to the mechanical failure of the device, metal poisoning is a serious concern. This is due to the metal on metal contact between the ball and the socket of the implant, which can cause metallosis (body reacts to metal.) Metallosis can cause inflammation around the joint, tissue damage and bone damage.

Are there risks associated with further surgery for patients?

Many patients require further surgery exposing them to all the risks associated with such major surgery including infection, adverse reaction to anaesthesia and a loss of opportunity for future hip replacements, a particular concern for the young and more active for whom these DePuy ASR products were specifically marketed.

At a recent DePuy Hip Recall Conference, which Lynch Solicitors hosted, DePuy patients learned that there is a very slow recovery following revision surgery because metal debris stays in the tissues for some time after the metallic joint has been removed and the body can still react creating inflammation. The pain does, however, seem to improve over time.

www.lynchsolicitors.ie reception@lynchsolicitors.ie

Jervis House, Parnell Street, Clonmel, Co. Tipperary T: 052-6124344

What are the legal issues in this situation?

There are a number of legal areas which come in to play and which Lynch Solicitors are taking account of:

• Product Liability – DePuy

• Medical Negligence – Clinician

Another essential aspect for consideration is the Statute of Limitations. Every civil action must start before a specified time. After this time period no action can be brought and so the claim would be "statute barred". The clock is ticking – timing is everything!

If you have been affected by the DePuy hip recall proceedings must be issued as soon as possible to ensure that your case does not become "statute-barred".

What is happening with these DePuy cases abroad?

In the US progress with the class action, together with the various individual cases, is well under way. The class action itself is being case managed by a specific Judge and the matter is to appear before him again on the 5th April 2011.

Our colleagues in Canada have also advised that they are working in tandem with the US lawyers and proceedings have begun to be issued in the Canadian Courts.

In Australia, a class action, taken on behalf of the 5,000 people who are estimated to have received the DePuy, was issued in the Sydney Federal Court at the end of February 2011. Closer to home, in the UK, matters appear to be at a relatively advanced stage. Our UK colleagues have advised that a settlement scheme is currently in the process of being negotiated.

Lynch Solicitors act for a considerable number of clients and have established international links in order to offer the best options in the context of information and compensation.

What should you do next?

We hosted an International DePuy Hip Implant Recall Conference in March 2011. Two UK experts, Mr. David J. Langton, MRCS at University Hospital of North Tees and Dr. Thomas Joyce, at Newcastle University, spoke at the conference and advised patients to seek ultrasound scans and second opinions.

Lynch Solicitors believe that when it comes to the issue of compensation for pain and suffering, DePuy patients need an objective second opinion. With this in mind, we have established links with medical experts in the UK.

For More Information

Contact John M. Lynch or Gillian O'Mahony

john@lynchsolicitors.ie gilliano@lynchsolicitors.ie

052-6124344 or Freephone 1800 750 850.