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CLIENT NEWSLETTER Alley ◆ Clark ◆ Greiwe SPRING 2011

IN BRIEF

U.S.News & World Report Best Lawyers BEST LAW FIRMS 2010

In This Edition

DARVON AND DARVOCET RECALL

In November 2010, the popular narcotic pain pills Darvon (propoxyphene) and Darvocet (propoxyphene + acetaminophen) were voluntarily recalled by Xanodyne Pharmaceuticals at the request of the FDA. The medications have been prescribed to more than 22 million people and have been linked to serious and potentially fatal heart rhythm abnormalities even in healthy people taking normal/recommended doses of the drugs. Patients taking the medication were advised to see their physician immediately to discuss switching to another painkiller.

Darvon and Darvocet were banned in the UK in 2005, and in Europe almost two years ago. In the U.S., the non-profit consumer advocacy group Public Citizen has been petitioning the FDA since 1978 to get products containing propoxyphene banned in the United States. Their most recent petition was denied by the FDA in July of 2006. In 2009, an outside advisory panel to the FDA recommended that Darvon and Darvocet be pulled from the market after concluding the pain relief benefits of the drugs did not outweigh the significant side effects and safety risks related to overdose and addiction.

Electrical activity abnormalities in the heart can lead to a number of heart problems including:

- Irregular heartbeats
- Heart rhythm abnormalities
- Longer QT intervals
- Cardiac arrest
- Need for a pacemaker
- Sudden death

If you or a loved one has taken Darvon or Darvocet and suffered significant heart rhythm abnormality while you were taking the medication, please contact the experienced trial lawyers at **Alley, Clark & Greiwe** for important information about your legal rights.

FIRM NEWS

We are proud to report that **James D. Clark**, a partner of our law firm, has been honored with the distinction of **Lawyer of the Year for 2011** by *Best Lawyers*® in the area of medical malpractice law. *Best Lawyers*® is the oldest and most respected peer-review publication in the legal profession. Mr. Clark has been honored by *Best Lawyers*® since the year 2005 for his legal excellence.

Best Lawyers Lawyer of the Year 2011

HOT TOPICS

HRT LITIGATION UPDATE

Judge Wilson and his magistrate have recently handed down rulings with regard to the litigation that are adverse to many HRT claimants across the country. Most notably, he ruled for the defendants regarding short term use. In the order, it was determined that three years of use or less is considered "short term use" and that this amount of use was not scientifically proven to be related to the development of ductal breast cancer. Obviously, Plaintiffs' attorneys across the country do not agree with this determination and this issue is on appeal. Due to the pending appeal to the 8th Circuit, many cases in the HRT MDL will be stayed; meaning they will remain in the MDL until the 8th Circuit makes a decision on this issue. The appeal is critical for many cases because if the 8th Circuit agrees with Judge Wilson then some cases could be dismissed. However, it is important to note that other jurisdictions have ruled completely to the contrary and such "short term use" cases have gone to trial and resulted in verdicts for plaintiffs. Given this split among the various circuits, it is hard to predict the outcome of the appeal which may not be resolved for up to a year. Judge Wilson continues to activate cases for limited case-specific discovery and these cases will eventually be remanded to Florida so that they can be set for trial.

ZIMMER NEXGEN KNEE IMPLANTS

We are currently investigating claims of persons implanted with Zimmer NexGen knee implants. In 2003, Zimmer began marketing two slightly different versions of the NexGen CR-Flex: a cemented version (that uses an adhesive to connect the thigh bone to the device) and a cementless version (which bonds by natural bone ingrowth). Although both NexGen knee models are supposed to last approximately 15 years, Zimmer has come under fire the last few years due to higher-than-normal rates of loosening and failure in the uncemented CR-Flex Porous Femoral component.

Last year, *The New York Times* reported on a study finding that this type of Zimmer knee had a failure rate as high as 9%. Also, according to reports at a national meeting of the American Association of Orthopedic Surgeons, the knee implant exhibited signs of looseness in about half of 100 patients. Potential complications associated with this device include knee and joint pain, difficulty standing or walking, loosening of the implant due to fusion failure and need for revision or replacement of the device. Zimmer has insisted that the knee replacement system is safe.

The attorneys at **Alley, Clark & Greiwe** have a long history of successfully representing persons injured by defective medical devices. If you or a loved one has been implanted with a Zimmer NexGen knee since 2003 and have suffered from severe pain or undergone surgery to have the device removed, please contact our office for important information regarding your legal rights.

Zimmer NexGen Knee.

Moving Soon? Please be sure to keep us updated with any changes to your address or phone numbers.

METAL HIP IMPLANT LITIGATION

CURRENT METAL HIP IMPLANT RECALLS

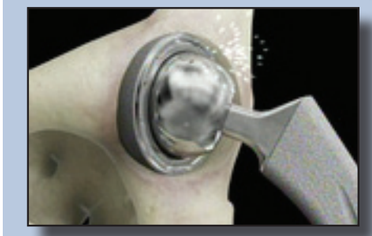
The law firm of **Alley, Clark & Greiwe** is presently involved in litigation involving several types of defective metal-on-metal hip implants including the following:

DePuy ASR Hip Implant Recall: More than 34,000 persons were implanted with the ASR implant since 2003. DePuy recalled the DePuy ASR metal-on-metal hip implant in August 2010. Data indicates approximately 13% of patients with the ASR implant will have to undergo revision surgery within the first five years.

Zimmer Durom Acetabular Component (Durom Cup) Recall: Zimmer Orthopaedics issued a voluntary recall of the Durom Cup metal hip socket in July 2008. The Durom Cup is a metal hip socket that was FDA approved in March of 2006. Manufacturing defects in the cup's design andor surface coating failed to allow any bone fusion, or ingrowth, causing patients to suffer agonizing pain and require revision surgery.

STUDY LINKS DEPUY ASR IMPLANTS TO COBALT POISONING AND OTHER SERIOUS HEALTH CONCERNS

On October 29, 2010, *The Journal of Bone and Joint Surgery* published a study of two cases of cobaltism in patients who were implanted with the now recalled metal-on-metal **DePuy ASR hip implants**. The two 49 year-old patients in the study developed hip pain resulting from periprosthetic metallosis (the build-up of metallic debris in the soft tissues of the body from wearing of the metal hip) as well as neurological and cardiac symptoms due to significantly elevated serum cobalt levels. There have been multiple case reports of cobaltism related to metal-on-metal hip implants, and the diagnosis is now referred to as arthroprosthetic cobaltism.



A rendering of metallic debris generated by a metal-on-metal hip implant.

Neurological or cardiac damage caused by high cobalt levels is, in part, reversible with timely revision surgery. Unfortunately, revision surgeries have been complicated by joint instability. Joint instability has been reported to occur more frequently in hips that are revised because of tissue damage caused by metallosis.

Cobaltism, or cobalt poisoning, blocks cellular metabolism and can damage multiple organs. Consequences of cobaltism include tinnitus, vertigo, deafness, blindness, optic nerve atrophy, convulsions, headaches, peripheral neuropathy, cardiomyopathy, and hypothyroidism.

If you have been implanted with the recalled **DePuy ASR Acetabular System**, you need to talk to your physician immediately to discuss having your whole-blood cobalt and chromium levels checked. You also need to report any pain, swelling, clicking or other unusual symptom in your hip to your physician. Finally, you should seek the legal advice of the experienced trial attorneys at **Alley, Clark & Greiwe** for a free case evaluation if you or someone you love has been implanted with a **DePuy ASR hip implant** or another type of metal-on-metal hip implant.