

# IN BRIEF



*In  
This  
Edition*

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## JOHNSON & JOHNSON TO STOP SELLING METAL-ON-METAL HIPS

On May 16, 2013, Johnson & Johnson announced it would stop selling metal-on-metal hip replacement implants. The company stressed their decision to stop selling the controversial metal-on-metal hip implant systems was not a recall, but a decision that was based on declining sales, competing products, and proposed regulatory changes by the FDA. Johnson & Johnson and its subsidiary DePuy Orthopedics, Inc., are facing over 10,000 lawsuits across the country due to high failure rates of metal-on-metal hip implants and significant safety

*Diagram of the all-metal ASR Hip Prosthesis (DePuy/J&J) recalled in 2010 for high failure rates and safety issues caused by metallic "wear debris."*



concerns that have come under FDA scrutiny during recent years. Early this year, the FDA proposed new rules requiring manufacturers of metal-on-metal hips

*In a company statement, J&J said the decision was not linked to the "safety or efficacy" of its products, and "is not a recall."*

to prove the devices were safe in order to keep selling them. In the past, metal-on-metal hip implants were previously allowed on the market under the FDA's controversial 510(k) clearance process which did not require any clinical trials

proving safety or effectiveness, nor were manufacturers required to follow patients post-operatively.

**Alley, Clark & Greiwe** has extensive experience in representing persons injured by defective joint replacement products and other defective medical devices. If you or a loved one have been implanted

with a metal-on-metal hip implant and have undergone revision surgery or suspect that you may need to undergo surgery in the future, please contact us for important information regarding your legal rights.

### DePuy ASR Jury Verdicts to Date in U.S.

Date	Venue	Jury Verdict
March 2013	Los Angeles, CA	Plaintiff verdict for \$8.3 million (no punitive damages awarded by jury)
April 2013	Chicago, IL	Defense verdict

## Alley ♦ Clark ♦ Greiwe Attorneys At Law

### Representing Plaintiffs Exclusively in the Following Cases:

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## PERSONAL INJURY NEWS

## CURRENT MASS TORTS PROJECTS

Mass torts are unique from other types of personal injury litigation because these claims involve a large number of injured parties resulting from a single product or event. For more than two decades, the attorneys at **Alley, Clark & Greiwe** have successfully represented thousands of clients in various complex product liability and mass tort claims. Our firm is currently investigating and litigating claims regarding the following products:

<p><b>DePuy ASR</b> Metal-on-Metal hip implant recalled 8/26/11 due to high failure rate requiring revision within the first 5 years.</p>	<p><b>Pradaxa</b> Blood thinner has been linked to severe bleeding events including many fatalities.</p>	<p><b>Vaginal Mesh Litigation</b> Surgical mesh used in females to correct pelvic organ prolapse and/or stress urinary incontinence.</p>
<p><b>Zimmer Durom Cup</b> Metal hip implant recalled in 2008 due to widespread failure rates.</p>	<p><b>Actos</b> Type II diabetes medication associated with increased bladder cancer risk.</p>	<p><b>Yasmin/Yaz</b> Oral contraceptives associated with strokes, heart attack, deep vein thrombosis, pulmonary embolism.</p>
<p><b>DePuy Pinnacle</b> Metal-on-Metal hip implant associated with high failure rates. This product is still on the market.</p>	<p><b>Stryker Rejuvenate</b> Metal hip implant recalled in July 2012 due to widespread failure rates.</p>	<p><b>Fosamax and Boniva</b> Osteoporosis medications linked to unusual, spontaneous fractures of the thigh bone.</p>

## IMPACT OF A BANKRUPTCY FILING ON YOUR PERSONAL INJURY CLAIM



We cannot stress enough the importance of obtaining legal advice from both your personal injury attorney and your bankruptcy attorney before you decide to file for personal bankruptcy. You must disclose your pending lawsuit to your bankruptcy attorney so that it can be included as a personal asset. If you do not include your lawsuit as an asset, then it could have a detrimental effect on your personal injury claim.

Once you file for bankruptcy, your personal injury claim becomes an asset of the bankruptcy estate; in essence, it is no longer your claim as it belongs to the Bankruptcy Trustee. In order to continue the personal injury claim, your personal injury attorney must be appointed as "Special Counsel." Resolving your personal injury claim would still remain our goal, however, you will no longer have the authority to approve settlement of your claim. Instead, the settlement must be approved by the Bankruptcy Court. If and when a settlement is reached in your case, the Bankruptcy Trustee will disburse the funds among all of your creditors. Only when all of your debts are satisfied would you receive any of the settlement proceeds.

## FLORIDA AUTO ACCIDENT LAWS

## IMPORTANT CHANGES TO FLORIDA'S NO-FAULT LAW IN 2013

Automobile, truck, and motorcycle accidents can have stressful and traumatic effects on victims physically, emotionally, and financially. The law firm of **Alley, Clark & Greiwe** has over three decades of experience and a very impressive track record in representing persons injured in motor vehicle accidents, truck accidents, pedestrian accidents, and bicycle accidents. Our experience allows us to navigate Florida's automobile insurance and liability laws and identify the different sources of recovery available to accident victims and their families.



## Important Changes to Florida's PIP (Personal Injury Protection) Law Effective January 1, 2013:

- You must receive initial medical care within 14 days of the accident from a medical provider (EMT/paramedic, physician, dentist, chiropractor, hospital, or hospital-owned medical clinic). Follow-up care must be on a referral from that provider.
- PIP reimbursement is limited to \$2,500 unless there is a finding that you have an "emergency medical condition" which, by law, is very specifically defined and must be made by a physician, dentist, Physician Assistant, or Nurse Practitioner.
- Follow-up care will be reimbursed up to \$10,000 only if the finding of "emergency medical condition" is made.
- PIP no longer pays for massage therapy or acupuncture.
- If you need treatment from a chiropractor, then reimbursement is limited to \$2,500.
- If PIP benefits do not apply because you did not get treatment within 14 days, or they apply but were exhausted, then your personal medical insurance may be used.

Our attorneys will work with your physicians and other health care providers to assess and review all the short and long-term medical aspects of your case. If you or a loved one has been injured in an auto or motorcycle accident, please contact **Alley, Clark & Greiwe** for a free consultation regarding your legal rights.

## Auto Accident Tips/Reminders

Call the police or 911 immediately, even if no one appears to be hurt. If you are unhurt, write down (or photograph) the following: the vehicle(s) involved in the accident, full license plate numbers, and obtain insurance policy information from the other driver(s). If possible, obtain the names and telephone numbers of any witnesses. Seek appropriate medical attention within the first 14 days of your accident if you are injured. Other than reporting your accident to your insurance company, you should not give any statements about your accident to any insurance agent or representative before you consult with an attorney.