**Defective Medical Device Lawyer**

The medical device industry is extremely profitable, bringing in roughly $180 billion in revenue in the United States, with a global worth of over $450 billion. Having achieved a steady growth rate of nearly 4% per year, medical device companies are eager to maximize profits. One way they accomplish this is by releasing new and innovative products as quickly as possible, without adequate testing to ensure their safety—which jeopardizes the well-being of consumers and patients.

The Journal of the American Medical Association reported that many high-risk medical devices, including life-support devices, are hurried through the approval process with the Food and Drug Administration (FDA). Even worse, the clinical studies used to test these medical devices are inadequate, too brief to uncover side effects or adverse reactions, and lacking in basic scientific standards of rigorous experimentation.

**The Variety of Medical Devices**

There are many kinds of medical devices, also known as home health devices and home medical services, that serve a vast variety of functions. Over the counter medical devices such as thermometers and blood sugar meters help people monitor their own health until they need to seek the assistance of a medical professional. More complex medical devices, such as apnea monitors and ventilators, are usually prescribed and monitored by doctors. Other medical devices, including IVC filters and bone cement, must be surgically implanted by doctors and require more extensive supervision and monitoring.

Medical devices that are surgically implanted are composed of man-made substances like silicone, plastic, and titanium. The product testing period is supposed to ensure that implanting products made of non-natural substances will not harm the body or interfere with its own organic processes. Medical devices such as hip and knee replacement implants are supposed to mimic the composition and functionality of the body so as to enable the hip and knee to work more smoothly and without pain.

The substances used and functionality of medical devices are supposed to augment the health of the body and diminish problems. But sometimes they don’t.

**The Problem with Medical Devices**

Over 12,000 lawsuits have been filed for hip replacements, resulting in billions of dollars of court-ordered award settlements to injured patient plaintiffs. Patients with defective IVC filters have filed nearly 10,000 lawsuits, with court-ordered award settlements for patients in the millions. And thousands of Physiomesh lawsuits have results in millions of dollars of settlement awards for damages the product has caused patients.

All this is to say that medical devices don’t always work—in fact, they don’t work much more often than is acceptable. And when defective medical devices malfunction or cause complications in consumer patients, the outcomes can be disastrous.

The amount and extent of damages caused by defective medical devices to innocent people are outrageous and tragic.

While many defective medical devices are recalled after enough people have come forward with complaints of the disastrous problems they cause, by this point the damage has been done to consumers who are left wondering what to do. Defective medical device product recalls cause about $5 billion in annual losses to the medical device industry—but that amount is miniscule compared to the hundreds of billions in profit they make every year.

**Hiring a Lawyer to File Your Lawsuit**

If you have suffered from a defective medical device, you need someone on your side who will represent you in a court of law to seek compensation for the complications, side effects, and/or adverse reactions you have suffered.

When your life has been impacted deleteriously by a bad medical device—because of a greedy and careless manufacturer that did not test the product adequately—you deserve justice and compensation for your losses.

The Jackman Law Firm employs capable and experienced lawyers who specialize in defective medical device lawsuits.

**Current cases include:**

* IVC Filters
* Hip Replacements
* Physiomesh
* Knee Replacement

**Defective Hip Replacements**

No one wants to have a portion of their body removed and replaced with a foreign object, but sometimes that is the best course of action to address a malfunctioning body part. This is just the case with a hip replacement. When the hip joint has become too affected by arthritis – making it painful just to move around, let alone play soccer! – and all other treatment options have failed, a hip replacement is the recommended course of action.

A hip replacement entails surgery in which the body is opened up, the hip joint removed, and an artificial hip joint composed of metal and plastic is inserted in its place. Patients are given general anesthesia for hip replacements, which renders a person completely unconscious for the entirety of the procedure.

There are two kinds of hip replacements: a tradition style and a less invasive technique. Hip replacements may entail blood loss, so if you are leery about using another person’s blood you may want to donate your own before the operation. Consult your doctor on the specifics of hip replacement surgery.

**What to Expect Following Hip Replacement Surgery**

A hip replacement is a major surgery requiring about 4-6 days recovery in the hospital. During the weeks following the surgery you will need a cane, crutches or walker to get around. Physical therapy to recover from the surgery and regain optimal use of your hip is usually recommended. While all this can be time-consuming and physically taxing, the good news is that successful hip replacements resolve the painful condition of the hip and restore a much larger capacity for locomotion.

However, strenuous behaviors are not recommended for up to a year following the surgery, so that the hip can fully recover.

**Side Effects & Dangers of Hip Replacements**

While complications during hip replacement surgery are rare, they do occur. Because the body is incised and opened up to remove the hip joint and replace it with an artificial one, excessive blood loss and infection are possible. There are also certain risks associated with the use of general anesthesia, including stroke, heart attack, pneumonia, and cognitive confusion or disorientation following surgery—however, side effects of general anesthesia are very rare.

Hip replacement side effects and complications include:

* length of leg may change slightly, causing unequal length of legs;
* the new artificial joint can be dislocated if you sit or move in an awkward fashion;
* fat from bone marrow may dislodge, enter the bloodstream and travel to the lungs, where it can cause serious breathing problems;
* nerve injury may occur in the hip area due to post-operative swelling, causing numbness;
* hip replacement parts may break and can become infected;
* implant may fail significantly earlier than anticipated;
* device was marketed as safe but caused unforeseen problems and complications;
* need for additional and avoidable surgeries to fix problems.

**Problems with Metal on Metal Hip Replacements**

One of the most common problems of hip replacements occurs in operations that use metal materials, typically combining chromium and cobalt, in both the ball and socket of the artificial hip joint. This specific version of the hip replacement implant is known as the ASR Acetabular hip implant, sometimes also referred to as a hip resurfacing system.

Although these materials were initially thought to be more durable than ceramic and

plastic components, there have been numerous cases in which metal on metal friction has caused metallic debris to break off from the artificial hip joint and be absorbed into the blood stream.

Once in the blood stream, a condition known as metallosis can develop, causing severe

pain, swelling and blood poisoning. While about 85% of all hip replacements will last for 20 years, hip replacements utilizing metal on metal components tend to breakdown much more rapidly, sometimes in just a few years.

**Hip Replacement Lawsuit**

Due to problems and complications associated with hip replacement surgery, there are currently over 13,000 pending hip replacement lawsuits in the United States. In 2013, Johnson & Johnson, the manufacturer of the metal on metal hip implant, paid upwards of $2.5 billion to thousands of injured patients.

If you have had a metal on metal hip replacement and experienced any problems or complications you are likely a good candidate for a personal injury lawsuit. A hip replacement personal injury lawsuit may enable you to receive compensation for the damages you have suffered as a result of complications due to your hip replacement surgery.

According to product liability law, a manufacturer of any product that causes harm to patients, while also failing to warn of the dangers involved in using the device, may be held liable for damages caused to consumers. Causing harm and failure to warn of risks is known as negligence because it represents a failure to act with reasonable care to ensure the safety of the consumer or patient.

**Defective IVC Filters**

An inferior vena cava (IVC) filter is a medical device that deters blood clots from traveling from places such as the thigh to the lungs. The inferior vena cava itself is one of the largest veins and is located in the center of the human body. It is the vein that imports oxygen-depleted blood from the lower portion of the body to the heart, which then pumps the blood to the lungs to be replenished with fresh oxygen.

The main purpose of the IVC filter is to prevent a pulmonary embolism, which is a blockage of a pulmonary artery in the lungs typically caused by a blood clot. The IVC filter functions when placed in the inferior vena cava vein by catching blood clots that pass through, thereby preventing clots from traveling to the heart and causing a pulmonary embolism.

One of the most harmful kinds of blood clots is known as a deep vein thrombosis (DVT), which tends to occur in a deep interior region of the body, such as the thigh. While an IVC filter does not protect a person from developing a DVT, which can pose a significant health risk, an IFC filter can prevent the DVT from traveling to the lungs and causing a pulmonary embolism.

**Why You Might Need an IVC Filter**

IVC filters are recommended for people who have or at significant risk for developing a DVT or a pulmonary embolism, including having had these conditions in the past.

Risk factors for DVT and pulmonary embolism include:

* decreased mobility and increased body inflammation, both of which may lead to blood clotting;
* an inherited blood disorder;
* a significant injury to a deep vein in the leg;
* smoking;
* pregnancy;
* obesity;
* cancer treatment.

Another common treatment for DVT and pulmonary embolism is blood-thinning medications, such as Xarelto and warfarin, which may also be used in tandem with an IVC filter. Some people choose not to use blood thinners due to pre-existing conditions that make it unsafe for them—because blood thinners can result in excessive bleeding.

**What to Expect with IVC Filter Implant Surgery**

The procedure takes about an hour and requires a several hour in-patient recovery period. Headache and nausea are common, but most patients are able to return home the day of the operation. Mild bruising around the operation location and mild pain are also common short-term problems.

Adverse reactions to IVC filter operation, for which you should call your doctor, include:

* excessive bleeding, fluid leaking, swelling or pain at incision the site;
* incision site becomes unusually red or sore;
* infection at site of insertion
* limbs become cold and numb;
* persistent headache or nausea;
* chest pain;
* fever.

**IVC Filter Lawsuits**

Most IVC filter lawsuits are filed on the basis of adverse events caused by the device, including:

* complications resulting from defects in the design of retrievable IVC filters;
* failure to notify consumers of known hazards;
* design and/or manufacturing defects;
* manufacturer or marketer negligence;
* breach of warranty on the device.

Most IVC filter lawsuits are based on a claim of manufacturer or marketer negligence, which is the failure of a company to act in a way that demonstrates reasonable care to ensure the safety of the consumer or patient.

When a product causes undue harm to a consumer, the court will typically look at who is liable for the damage. If the consumer used the product in a manner that was blatantly wrong or was fully informed by the manufacturer or marketer of its potential hazards, then the client may be liable. However, if a company claims its product is safe, or fails to adequately warn consumers of its dangers, then the company may be liable for damages experienced by the consumer.

As of 2018, approximately 10,000 personal injury court cases for ICV filters have been filed against the numerous ICV filter product manufacturers. In notable cases, millions of dollars have been awarded to plaintiffs with serious damages.

**Defective Knee Replacement**

Knee replacement surgery, also known as arthroplasty, is a medical procedure that involves resurfacing a knee that has been damaged and not fully functional due to severe arthritis or a debilitating knee injury. In knee replacement surgery, a surgeon uses plastic and metal parts to cap the ends of bones forming the knee joint.

The goal of the knee replacement surgery is to relieve the patient of knee pain and restore fuller mobility of the knee. Surgery is typically recommended after other, less invasive forms of treatment have failed.

**Reasons for Knee Replacement Surgery**

Osteoarthritis is the most common complaint leading to knee replacement surgery; however, rheumatoid arthritis may also lead to knee problems and surgery. Osteoarthritis is a severe degenerative joint disease that gradually disintegrates the knee joint cartilage, damaging both cartilage and bones.

Causing significant pain, osteoarthritis may inhibit people from normal activities, even walking on steps, due to the extent of pain experienced. Osteoarthritis also makes the knee weak and unstable, which causes one to become more vulnerable to falls while walking.

Common forms of treatment preceding knee replacement surgery include:

* Glucosamine
* Anti-inflammatory medications
* Limiting one’s scope of activities involving the knee
* Pain medications
* Use of a cane, crutches or walker
* Physical therapy
* Viscosupplementation injections (add lubrication to the knee joint)
* Cortisone injections (into the knee joint)
* Weight loss program

**Knee Replacement Statistics**

There are approximately 700,000 knee replacement surgeries every year in the United States—and this number is expected to rise to over 3 million by the year 2030. On the whole, knee replacement surgery is relatively safe, with only about 2% of cases reporting significant problems following surgery, and 1 in 400 deaths. Approximately 90% of patients experience a significant improvement in locomotion and decrease of pain following knee replacement surgery.

**What You Can Expect with a Knee Replacement Surgery**

Some people have knee replacement surgery as an out-patient procedure, going home the day of the operation, while others are hospitalized for 1 to 4 days in order to recuperate. Some patients are administered an intravenous line (IV) for precautionary measures, while some are not.

Either general anesthesia or a spinal (epidural) anesthesia are given at the beginning of the surgery, which takes from 1 to 2 hours. Severity of surgery varies according to the damage and health of the patient

Following surgery, most patients are able to walk within a day, sometimes with use of a walking device such as crutches. Within a month, recovery should be substantial and use of the knee greatly improved. Most knee replacement surgery involves follow-up with a physical therapist who will help and advise you on how to continue to strengthen your knee.

**Knee Replacement Side Effects & Complications**

Most serious side effects or complications caused by knee replacement surgery are due to failure of the device to function properly. Sometimes problems are caused by issues associated with the surgery itself. When the device fails to work properly, patients may experience serious and debilitating problems.

Complications associated with knee replacement surgery include:

* strange clicking, crunching, or popping sounds when walking;
* damage inflicted upon the joint, muscle, bone, or nerves during surgery;
* infection and inflammation of the knee;
* severe pain;
* decreased mobility while standing or walking;
* implant becomes detached from knee;
* fractures;
* implant disassociation of implant;
* Patello-Femoral Tracking-Lateral Release (kneecap shifts out of place).

**Knee Replacement Surgery Personal Injury Lawsuit**

Having experienced one of the above knee surgery complications is a good indication that the surgery was not successful. It may also be grounds for a successful personal injury lawsuit.

Two companies in particular have had significant lawsuit actions filed against them for defective medical devices:

Arthrex and Exactech.

Arthrex recalled its Arthrex iBalance TKA Tibial Tray—a portion of the Arthrex iBalance Total Knee Arthroplasty (TKA) System—in 2015. Recognition that the texture of the implant made it incompatible with other portions of the implant prompted recall of the product.

The Federal Drug Administration (FDA) reported that components of the Exactech Optetrak knee replacement device were failing prematurely, caused primarily by tibial insert wear resulting in tear of the implant.

According to a study by Orthopaedics & Traumatology: Surgery & Research, patients experienced high levels of dissatisfaction and malfunctioning of Exactech’s knee replacement product.

The following claims were made by Exactech patients:

* 22% had significant and chronic pain, requiring painkillers;
* 15% were disappointed and/or dissatisfied;
* 21% experienced early stages of patellofemoral conflict;
* 22% suffered from loosening of the tibial implant;
* 13 patients (of 106) required revision surgery due to numerous problems, including tibial loosening and patellofemoral instability or pain.

**Filing a Knee Replacement Personal Injury Claim**

If you have had significant problems or complications resulting from a knee replacement surgery, you should consider filing a personal injury lawsuit for the damages you have suffered. Most lawsuits will be geared towards proving that the knee replacement implant manufacturer made and marketed a defective medical device that resulted in your medical complications.

The damages you can sue for in a knee replacement personal injury case include:

* physical complications and adverse reactions resulting from the device;
* emotional pain and suffering, including mental anguish;
* time lost from work (and missed pay) due to worsened medical condition;
* additional medical expenses such as subsequent surgeries.

Contact The Jackman Law Firm for a free personal injury consultation today.

**Physiomesh**

Physiomesh, also known as Physiomesh Flexible Composite Mesh, is a flexible, polypropylene large-pore woven mesh that is non-absorbable and made to be compatible with the abdominal tissues. Physiomesh was designed by its manufacturers to replicate the functions of the abdominal wall.

Marketed by a subsidiary of Johnson & Johnson known as Ethicon, Physiomesh has been used medically to repair ventral hernia during laparoscopic hernia operations—in which a laparoscope, a lighted scope, is inserted through an incision, enabling repair of the hernia. The Physiomesh is then placed over and into the defect in the abdomen wall to reinforce its stability.

The basic purpose of the Physiomesh is to support recovery from a hernia by strengthening the capacity of the abdomen wall.

**Problems & Complications with Physiomesh**

Physiomesh was approved by the Federal Drug Administration (FDA) in 2010, but subsequently removed from the market in 2016 after two studies showed that the product was causing internal injuries, adverse side effects, and significant health problems in many patients.

In comparison to other similar hernia mesh products, Physiomesh implantation was shown to result in much worse outcomes, including increased rates of: hernia reoccurrence, additional surgery to repair problems or damage caused by the product, and internal organ injuries.

Alarmingly, about 20% of Physiomesh patients have hernia reoccurrence within six months of the initial operation, prompting another operation.

During the 6-7 years that Physiomesh was on the market, it was used in thousands of hernia operation patients, many of whom suffered from complications, adverse side effects, and injuries. If you have had a Physiomesh implantation and experienced adverse side effects or complications, you may be eligible for a personal injury suit against Ethicon, the product manufacturer.

**Physiomesh Side Effects: Short-term**

* Chronic and recurrent pain and inflammation around the hernia incision site
* Hernia recurrence
* Mesh contraction
* Internal infection caused by Physiomesh chemical coating
* Fever and nausea

Chronic and severe pain following Physiomesh implantation is common, as well as inflammation and sometimes infection at the incision site caused by the chemical properties of the mesh. As stated, above, hernia reoccurrence after Physiomesh is estimated at 20% of all patients within 6 months.

Some infections caused by Physiomesh can be treated with antibiotics, but others cannot and cause long-term problems that require more significant medical treatment.

**Physiomesh Side Effects & Complications: Long-term**

* Abdominal abscess, an area of inflamed tissue filled with pus
* Intestinal fistula, an abnormal opening in the abdominal wall through which gastric fluids can be discharged, leaking into organs and causing infection
* Tissue adhesion, scarred tissue that binds together internal organs or tissues
* Mesh fragmentation and migration, by which pieces of the mesh detach and travel to other portions of the body, causing obstructions and/or infection
* Bowel obstruction caused by hernia repair adhesions

Unfortunately, Physiomesh implantations cause a host of unwanted and potentially destructive side effects and adverse reactions that can profoundly impact and jeopardize your health. All of these problems and complications cause significant physical pain, and all of them require additional medical help by a physician.

**Why Physiomesh is so Dangerous**

According to medical sources, Physiomesh is so problematic because it is composed of polypropylene—or plastic—which is not a compatible substance for the human body. Think about it for a moment; polypropylene is a chemical substance used in food containers, automotive parts, packaging materials, and tapes. Do you really want this substance inserted deep within your body, making contact with your bowels and/or other internal organs?

**Physiomesh Lawsuit**

There are currently over 1,500 Physiomesh lawsuits in Federal courts nationwide. With evidence from scientific research on the proven dangers of Physiomesh, personal injury cases are well-supported. The majority of lawsuits contend that Physiomesh is a defective medical product causing harm to patients who were not warned of such dangers. It is even possible that the product was not thoroughly tested before its release or approval by the FDA.