

Products Liability Law Daily Wrap Up, INDUSTRY NEWS—JURY VERDICTS—N.D. Ga.: Bellwether hip implant trial ends in \$11 million verdict, (Dec. 1, 2015)

By Susan Lasser, J.D.

The first federal bellwether trial against Wright Medical Technology, Inc., for products liability and misrepresentation claims relating to the device maker's Conserve metal-on-metal hip implant device resulted in a jury award of \$11 million for a patient who alleged injuries relating to the failed device. The trial lasted two weeks and the jury deliberated for three days before finding that the hip replacement device was defectively designed and unreasonably dangerous, and that Wright Medical negligently misrepresented its product, according to a [blog post](#) by Pope, McGlamry, Kilpatrick, Morrison & Norwood, P.C., the law firm representing the patient (*In re: Wright Medical Technology, Inc., Conserve Hip Implant Products Liability Litigation (Christianson v. Wright Medical Technology, Inc.)*, November 24, 2015, Duffey, W.).

Background. The patient, who was a former ski instructor for 47 years, was implanted with Wright Medical's Conserve Plus metal-on-metal total hip device in April 2006. Although she was promised that the hip implant would last a lifetime, it failed after only six years, and she had to undergo revision surgery to remove the defective device from her body. During the revision surgery, the patient's surgeon found signs of metallosis and documented tissue necrosis and fluid buildup—all symptoms caused by metallic particles and metal ions generated from the metal-on-metal device and released into the surrounding tissue and bloodstream. The patient's case was the first to go to trial out of hundreds of cases consolidated in the multi-district litigation.

Verdict. Even though the device manufacturer asked the jury to consider the possibility that the patient shared responsibility for the device's failure, the jury assigned 100 percent of the fault to Wright Medical. The jury awarded \$1 million in compensatory damages and \$10 million in punitive damages after finding that the manufacturer's conduct relating to the device demonstrated a knowing and reckless indifference to the rights of others, including the patient.

The case is MDL No.2329 (Case No. 1:13-cv-297-WSD).

Attorneys: Michael Lee McGlamry (Pope McGlamry) for Robyn Christiansen. Dana Jeffrey Ash (Duane Morris LLP) for Wright Medical Technology Inc., Wright Medical Group Inc., and Wright Medical Europe S.A. Alexander Gerard Calfo (Yukevich Calfo and Cavanaugh) for DePuy Orthopaedics, Inc.

Companies: Wright Medical Technology Inc.; Wright Medical Group Inc.; Wright Medical Europe S.A.; DePuy Orthopaedics, Inc.

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