

[Products Liability Law Daily Wrap Up, TOP STORY—MEDICAL DEVICES —N.D. Tex.: Six Pinnacle hip implant patients awarded over \\$1 billion in damages, \(Dec. 2, 2016\)](#)

Products Liability Law Daily Wrap Up

[Click to open document in a browser](#)

By John W. Scanlan, J.D.

Plaintiffs in six cases in multidistrict litigation against DePuy Orthopaedics and Johnson & Johnson over the Pinnacle hip implant have been awarded more than \$1 billion in compensatory and punitive damages by a federal jury in Texas after requiring revision surgery to replace their implants (*In re: DePuy Orthopaedics, Inc. Pinnacle Implant Products Liability Litigation*, December 1, 2016, Kinkeade, E.).

The six patients underwent their original surgeries from 2005 through 2010 using a "metal on metal" implant; each required revision surgeries between 2012 and 2015 to replace the implant with a "ceramic on polyethylene" implant. The patients, along with four spouses, brought suit against DePuy Orthopaedics and its parent company, Johnson & Johnson. Their claims were consolidated as part of multidistrict litigation involving the Pinnacle implants.

Plaintiffs' claims. The jury found in favor of the plaintiffs against both DePuy and Johnson & Johnson on their claims for negligent design defect, negligent and strict liability failure to warn, negligent failure to recall, intentional and negligent misrepresentation with respect to both the plaintiffs and their physicians, and fraudulent concealment with respect to both the plaintiffs and the physicians.

In addition, the jury found against Johnson & Johnson on the plaintiffs' claims for aiding and abetting in DePuy's conduct regarding negligent design defect, negligent failure to warn, and negligent failure to recall, negligent and intentional misrepresentation, fraudulent concealment, as well as for conspiring with DePuy with respect to each of those claims.

Compensatory damages. In addition to being awarded past medical expenses, each of the six patients was awarded either \$500,000 or \$750,000 for each of their past physical pain and loss of enjoyment of life, future physical pain and loss of enjoyment of life, past disfigurement, future disfigurement, past physical impairment, future physical impairment, past mental suffering and emotional distress, and future medical suffering and emotional distress (totaling either \$4 million or \$6 million per patient). Each of the four spouses was awarded \$500,000 for past loss of consortium and another \$500,000 for future loss of consortium.

Punitive damages. Concluding that each plaintiff was entitled to punitive damages, the jury awarded \$84 million to each patient and \$125,000 to each spouse from DePuy and the same amount to each patient and spouse from Johnson & Johnson.

The case is No. [3:11-MD-2244-K](#).

Attorneys: Jayne Conroy (Simmons Hanly Conroy, LLC), Paul R. Cordella (The Lanier Law Firm) and Wayne Fisher (Fisher, Boyd, Johnson & Huguenard, LLP) for Linda Standerfer. Michael V. Powell (Locke Lord LLP) and Jessica D. Miller (Skadden Arps Slate Meagher & Flom LLP) for DePuy Orthopaedics Inc., DePuy Products Inc. and DePuy International Ltd.

Companies: DePuy Orthopaedics Inc; DePuy Products Inc; DePuy International Ltd.

MainStory: TopStory MedicalDevicesNews JuryVerdictsNewsStory DamagesNews TexasNews