

[Products Liability Law Daily Wrap Up, JURY VERDICTS—MEDICAL DEVICES—Cal. Super.: Zimmer hit with \\$9.153 million jury award in defective hip implant case, \(Aug. 4, 2015\)](#)

Products Liability Law Daily Wrap Up

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By Pamela C. Maloney, J.D.

A California superior court jury awarded \$9,153,000 to a 59-year-old California man who was injured by a defective metal-on-metal hip implant manufactured by Zimmer, Inc. Alleged defects in the implant, Zimmer's Durom Cup, caused the patient, Gary Kline, to undergo two hip replacement surgeries in just 15 months and left him with chronic pain. The [award](#) included \$153,000 in past medical expenses, \$2.6 million in past noneconomic damages, such as pain and suffering and mental distress, and \$6.4 million in future noneconomic damages (*Kline v. Zimmer*, Cause No. BC44 484, July 24, 2015, Hogue, A.)

According to firm's [press release](#), beginning in 2006, Zimmer intentionally misled American surgeons into believing that the U.S. version of the Durom Cup had a successful and safe track record in Europe, where the product was introduced after having been developed and tested for seven years. However, for the U.S. market, Zimmer altered the Durom Cup's plasma coating, a critical component of the device. Zimmer chose not to test the altered coating to determine its effectiveness. Instead, Zimmer rushed the product to market to catch up with its competitors who already had similar products on the U.S. market all while hiding the fact that the American Durom Cup was not the same as its European counterpart. This emphasis of profits over safety caused significant harm to thousands of Americans.

In announcing the verdict, David Bricker, a partner in Waters, Kraus & Paul's California office, who served as lead counsel on the case, stated, "This victory is particularly gratifying because we are the first to prevail against Zimmer in nationwide litigation over the Durom Cup." "After years of litigation where we saw Zimmer cause delay after delay, it is satisfying to see our clients finally receive justice," added Bricker.

Companies: Zimmer, Inc.

Attorneys: David Bricker (Waters, Kraus & Paul LLP)

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