RECALL OF THE DePUY ASR HIP REPLACEMENT DEVICE: KNOW YOUR RIGHTS

WARNING

This alert is to help those persons who have been victimized, or will be victimized, by a failed hip surgery replacement implant between the years 2003 to present. By letter dated August 24, 2010, the DePuy (pronounced like *"Pepe Lepui"*) Orthopeadics, a subsidiary of Johnson and Johnson, recalled 93,000 defective implants, on a so called voluntary basis.

The two hip replacement devices recalled are known as the ASR Hip Recurring System and the ASR XL Acetabluor System, commonly referred to as ASR. According to a source familiar with the protocol of Cottage Hospital, in Santa Barbara, if you had a hip replacement surgery at Cottage Hospital any time in the last seven years, you have probably had it replaced with one or both of these DePuy devices due to the Hospital's preference amongst competing brands. That leaves approximately 1,300 potential patients at risk over the last five years.

If you have not already done so, you need to talk to your treating physician about how the recall of the ASR and the possibilities of its failure to work within the first five years will affect you. It could require a replacement surgery with the attenuating rehabilitation. The device is supposed to last at least fifteen years. Johnson and Johnson recalled this replacement hip system because the devices have a 12% - 13% chance of coming loose, fracturing the bone around the implant, releasing titanium metal flakes into your blood stream and causing tumors, as well as greatly increasing the possibility of infection.

WHAT TO DO.

A 12% failure rate is astronomic in the world of implant recalls. Meanwhile, DePuy has begun a very aggressive campaign to find the recipients of the defective devices and attempt to settle any potential case the victims may have for the cost of replacement surgery. You will receive a letter from DePuy (actually from their insurance company named Broadspire) who will attempt to have you sign a document for your authorization to receive all your medical records from anywhere, to be shared with any "service provider" contracted by DePuy. DO NOT SIGN THIS AUTHORIZATION FOR MEDICAL RECORDS.

The authorization will be abused and all your medical records will be shared with claims adjustors, attorneys, computer statistics, and against you in order to settle for the least amount of money possible. It will not cover the pain and suffering, e.g. the disappointment of a failed surgery, months of rehabilitation, the need for a replacement surgery, time, expense, lost wages, and in many cases years of never ending hip pain requiring cortisone shots every three months.

Because of the ASR never working for many patients it has made life more miserable both after the implant surgery and before the replacement surgery by knowing you may have your hip replaced again, and start the rehab process from the beginning again. It is always more difficult to mend the second time, but the relief is worth it.

The next step is to obtain your medical records from your treating orthopedist and bring them to an ASR recall lawsuit counselor such as myself. Your case can then be confidentially analyzed and a well planned strategy can be pursued on your behalf alone. It is not advisable to be part of a class action lawsuit unless you have little or no injuries or cost of damages. The attorneys are the only ones that come out ahead on class actions. If your case is more serious than that you need private legal counsel familiar with the implant recall and its fiscal ramification that will handle your case on a contingency fee basis.

WHAT DePUY IS NOT TELLING YOU.

According to the letter you will receive from DePuy, or on their website at www.DePuy.com, the "voluntary recall" of the ASR products came about as follows:

"Johnson & Johnson announced the recall of the DePuy ASR Hip Implant system after data from the National Joint Registry of England and Wales showed that 1 out of every 8 patients (12%-13%) who had received the recalled devices had to undergo revision surgery within five years of receiving it. It is suppose to work for 15 years. The recall involved the ASR XL Acetabular System, a hip socket used in traditional hip replacement, and the ASR Hip Resurfacing System, a partial hip replacement that involves placing a metal cap on the ball of the femur. Only the ASR XL Acetabular System was approved for use in the US."

The truth is that according to the Australian Joint Registry – the second largest database in the world after the England and Wales National Joint Registry – issued seven reports to DePuy starting in 2007 that identified problems with the hip implant system. The ASR system was finally withdrawn from the Australian market in December 2009."

DePuy has long known the problems caused by their ill designed hip replacement device and yet they continued to sell it to Americans for almost a year after being ousted from Australia. That means DePuy made BILLIONS of dollars off the risk of your suffering.

Mark S. Cornwall will be attending the National Hip Replacement Summit in Chicago October 21, 22 and 23, 2010. He can be reached for a free evaluation at 805 845-7558, or email him at mscornwall@aol.com.