

## Remand Denials in Hip Implant MDL

Tuesday, July 26, 2011

We've just found out about multiple remand denials from the Depuy hip implant MDL. Legally, they're all pretty much the same, although there are some factual differences. They all reject, even under the relaxed fraudulent joinder standard, any possibility that a manufacturer's sales representative can be subject to an independent product liability claim where the rep only delivered product (a prescription medical device) from the manufacturer to the prescribing physician. Looking at these, we'd have to say that Alabama (and the Eleventh Circuit) have just about the most favorable sales representative precedent of any state in the country.

Anyway, here they are:

Harper v. Depuy Orthopaedics, Inc., [slip op.](#), No. 1:11 dp 20522 (N.D. Ohio July 25, 2011).

Patterson v. Depuy Orthopaedics, Inc., [slip op.](#), No. 1:11 dp 20521 (N.D. Ohio July 25, 2011).

Slay v. Depuy Orthopaedics, Inc., [slip op.](#), No. 1:11 dp 20524 (N.D. Ohio July 25, 2011).

Taylor v. Depuy Orthopaedics, Inc., [slip op.](#), No. 1:11 dp 20523 (N.D. Ohio July 25, 2011).

Milner v. Depuy Orthopaedics, Inc., [slip op.](#), No. 1:11 dp 20529 (N.D. Ohio July 25, 2011).

Thanks to [Joe Babington](#) at [Helmsing, Leach](#) for passing these on, and congrats to the folks at [Tucker Ellis](#) and [Drinker Biddle](#), whom we gather were also involved in these wins.

Keep those wins coming.