

Jury tells Johnson & Johnson to pay \$8.3M over defective hip replacement

*Written by / Associated Press
Mar 08*

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LOS ANGELES — A jury Friday awarded \$8.3 million to a former prison guard who accused Johnson & Johnson's DePuy Orthopaedics subsidiary of knowingly marketing a faulty hip implant that was later recalled.

Jurors found that the ASR XL implant was defectively designed and caused metal poisoning and other health problems suffered by Loren Kransky after he underwent surgery in 2007.

However, the panel rejected the 65-year-old's claim that DePuy failed to adequately warn of the risks associated with the implant, and it didn't find the company acted with malice, prohibiting Kransky from collecting any punitive damages.

The fraud and negligence suit is the first of nearly 11,000 similar cases involving an all-metal ball-and-socket hip joint that was pulled from the market two years ago to reach trial in the United States. Others like Kransky claim the implants have left them with crippling injuries or in need of other replacement surgeries.

Johnson & Johnson has set aside about \$1 billion to cover costs of the recall and lawsuits.

Plaintiff's attorney Doug Saeltzer said the verdict bodes well for the other cases.

"The message is that these cases are valid, that the injuries are real and severe, and Johnson & Johnson and DePuy have to pay significant money for their mistakes," Saeltzer said.

Loire Gawreluk, a DePuy spokeswoman, said the Warsaw, Ind., company plans to appeal the verdict.

"We believe ASR XL was properly designed, and that DePuy's actions concerning the product were appropriate and responsible," she said.

During the trial, Kransky's lawyers told jurors that black pieces of metal flaked off the implant and caused a type of poisoning that could have killed him if the material had not been removed.

Brian Panish, one of Kransky's attorneys, said during closing arguments that the company "knew this hip was defective long before Mr. Kransky got it," the Los Angeles Times reported.

"They wanted to play Russian roulette with patients. This defendant didn't care about patient safety," Panish said.

Defense attorneys denied Kransky's claims and argued he had a host of pre-existing health ailments and the hip implant didn't make him worse.

The hip joint was sold for eight years to more than 90,000 people worldwide. New Brunswick-based Johnson & Johnson stopped making the product in 2009 and recalled it the next year.

The artificial part is meant to replace deteriorated joints causing severe pain and limiting mobility, and is generally expected to last 10 to 20 years. With the DePuy hip implant, one in eight patients needed theirs replaced within five years.

Attorneys representing the patients claim J&J knew about the problems in 2008. The company has denied those allegations.

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Johnson & Johnson, the world's biggest provider of health care products, has issued more than 30 product recalls since 2009. Most have involved nonprescription medicines such as adult and children's Tylenol and Motrin, but other recalls were for prescription drugs for conditions such as epilepsy or for contact lenses.

Johnson & Johnson shares rose 40 cents to \$78.15 Friday.