

DePuy Hip Recall Update

Litigation has continued to head up as a result of Johnson & Johnson's subsidiary, DePuy Orthopedics, Inc., recalling its DePuy ASR hip implant devices in August, 2010. Due to data suggesting a higher incident rate of revision surgeries being requiring for patients who had the DePuy ASR hip implanted, DePuy was forced to recall these hip devices. The main issues causing these revisions are metal debris that comes from the metal on metal hip components and/or the hip components malfunctioning.

This problem has led to several federal lawsuits being filed around the country users of the DePuy ASR hip behalf. Recently, a panel of federal judges gathered in Durham, North Carolina to decide if these cases needed to be consolidated in one federal court and if so, which federal judge should oversee this litigation. This federal court consolidation of cases is typically referred to as Multi-district litigation (MDL). After hearing arguments from various attorneys representing both plaintiffs and the defendants, the judicial panel selected Judge David A. Katz, in the Northern District of Ohio, to oversee DePuy litigation MDL.

Judge Katz is a good judge that is respected by both plaintiff and defense attorneys around the country. He currently handles the Ortho Evra birth control MDL litigation. Ortho Evra, is also a subsidiary of Johnson & Johnson. Judge Katz has done a good job of pushing the litigation in that case to potential resolution. It is expected that he will do the same with the DePuy litigation as well.

Practically, this means that those who have potential claims against DePuy and are not able to file their claims in state court, will likely end up in Judge Katz court. Based off of his experience with other MDL's, he should be a great judge for the DePuy litigation.