

## Stryker Inks 1st Settlements In NJ Hip Implant Suits

By **Greg Ryan**

*Law360, New York (December 18, 2013, 6:41 PM ET)* -- Stryker Corp. has settled four lawsuits over injuries allegedly caused by defective hip implants, each brought by a different plaintiffs firm in consolidated litigation in New Jersey court, according to an order Monday.

The parties agreed to enter mediation in April in an attempt to resolve more than 500 suits in multicounty litigation over Stryker's Rejuvenate and ABG II modular-neck stems. The plaintiffs allege they were forced to undergo painful, invasive surgeries because the implants were defective.

Of the six cases to have undergone mediation to date, four have settled, Judge Brian Martinotti said.

"We had a nice variety of plaintiffs, different type of injuries, and through the cooperation of counsel, with the good efforts of our retired jurists, the matters have been resolved," Judge Martinotti said at a case management conference Monday, according to a court transcript. "I dare say this is probably one of the few times that mediation has brought a resolution this early in a litigation."

The settled cases involved plaintiffs from four different states represented by four different firms: Weitz & Luxenberg PC, Searcy Denney Scarola Barnhart & Shipley PA, Anapol Schwartz Weiss Cohan Feldman & Smalley PC and Robins Kaplan Miller & Ciresi LLP.

Weitz's Ellen Relkin, head of the plaintiffs steering committee, told Law360 that Stryker's offers for the two cases that did not settle "were by definition inadequate." One of the cases involved significant surgical complications, permanent injury and loss of wages, she said.

"While all revisions involve significant damages, since it is such an invasive procedure with a lengthy recuperation, the clients whose cases resolved had good outcomes and were back to work or their daily activities. Some of our clients have had much more significant injuries, and until we see that the most serious cases are able to settle can we project the possibility for a more widespread resolution," Relkin said. "That being said, these early resolutions are promising."

The parties are preparing for litigation while mediation efforts are ongoing.

A Stryker representative could not immediately be reached for comment.

The first phase of the mediation was supposed to involve 10 cases in total, three of which are scheduled to be mediated in January. However, one case was withdrawn from mediation because of the plaintiff's ongoing medical treatment.

"I think it's in everyone's best interests to resolve these cases at this stage rather than years and years of protracted litigation and, hopefully, this can form the basis moving forward of additional settlements," Judge Martinotti said.

Stryker voluntarily recalled the two metal hip replacement components in July 2012, saying the devices could fret or corrode, harming body tissue and causing pain or swelling. In addition to the New Jersey state court litigation, it faces multidistrict litigation over the implants in Minnesota federal court.

A number of other companies have issued major recalls for metal hip components in recent years, including Johnson & Johnson unit DePuy Orthopaedics Inc. and Smith & Nephew PLC. DePuy, Wright Medical Technology Inc. and Biomet Inc. also face multidistrict litigation related to their implants.

Johnson & Johnson agreed in November to pay \$2.5 billion to settle about 8,000 lawsuits over its hip implants.

The plaintiffs are represented by Weitz & Luxenberg PC, Searcy Denney Scarola Barnhart & Shipley PA and Pogust Braslow Millrood LLC, among others.

Stryker is represented by Kim Catullo, Ethan Stein and Samantha Spicer of Gibbons PC.

The case is In re: Stryker Rejuvenate & ABG II Modular Hip Implant Litigation, case number BER-L-936-13, in the Superior Court of the State of New Jersey, County of Bergen.

--Additional reporting by Martin Bricketto. Editing by Elizabeth Bowen.

All Content © 2003-2013, Portfolio Media, Inc.