



Simmons Hanly Conroy helps secure \$1 Billion Bellwether Trial Verdict over faulty DePuy Pinnacle Hip Replacement Device

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SIMMONS HANLY CONROY

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NEW YORK (Dec. 1, 2016) – [Simmons Hanly Conroy](#), one of the nation's largest mass torts firms, is pleased to announce that six plaintiffs have won a staggering \$1 billion Texas federal jury verdict in the third bellwether trial involving the faulty DePuy Pinnacle metal-on-metal hip replacement devices manufactured by Johnson & Johnson (J&J). The jurors deliberated for less than a day.

The plaintiffs convinced the jury in the U.S. District Court for the Northern District of Texas Dallas Division that J&J sidestepped standard regulatory review and misled doctors to believe that the design of the market-leading DePuy Pinnacle device was safe. The jury awarded more than \$1 billion punitive damages and nearly \$40 million compensatory damages to the 6 patients who required “revision surgeries” following implant of the faulty artificial hip systems, which have not been recalled.

“This is a significant victory for the plaintiffs, who have suffered major injuries caused by these devices,” said [Jayne Conroy](#), a shareholder at Simmons Hanly Conroy and co-counsel for the plaintiffs as a member of the Plaintiffs' Executive Committee for the DePuy Pinnacle multidistrict litigation (MDL).

One of the key findings in the plaintiffs' successful case was evidence that J&J promoted the DePuy device aggressively, including through kickback payments to surgeons, even though the company knew the device was riskier than alternative devices. Also, DePuy was able to sell a particular version of the Pinnacle hip system – the Ultamet variety, which had a metal socket liner instead of a polyethylene or ceramic liner – without significant testing because it was similar to a variety that predated 1976 regulations mandating premarket review. According to the plaintiffs' case, the success rate for the DePuy Pinnacle metal-on-metal implants was only 53 percent after 11 years.

“The evidence presented in the testimony against J&J told the deeper story of how the science was manipulated in order to sell the product,” Conroy added.

The trial, which began Oct. 3 and ended today, dwarfed the result of the second bellwether trial involving the DePuy Pinnacle devices that awarded \$502 million to five other Texas plaintiffs in March 2016. Although that earlier award was reduced to about \$150 million under Texas law, today's verdict is governed by California law and won't be subject to a punitive damages cap.

Both verdicts could be significant influencers for a possible settlement of remaining plaintiffs' complaints, which all claim the implants were defective and caused metal debris to enter into patients' bloodstreams, resulting in severe injuries and sometimes leading to revision surgery. In early November 2016, U.S. District Judge Ed Kinkeade selected 10 additional cases for the next bellwether trial. Kinkeade oversees the DePuy Pinnacle MDL that includes more than 8,500 plaintiffs nationwide.

The plaintiffs and cases that were decided today are: Marvin Andrews (Cause No. 3:15-cv-03484-K), Kathleen Davis (Cause No. 3:15-cv-01767-K), Rosa Metzler (Cause No. 3:12-cv-02066-K), Judith Rodriguez (Cause No. 3:13-cv-3938-K), Lisa Standerfer (Cause No. 3:14-cv-01730-K) and Michael Weiser (Cause No. 3:13-cv-03631-K).

In addition to Conroy, the lead trial team representing the plaintiffs included W. Mark Lanier of The Lanier Law Firm, Wayne Fisher of Fisher Boyd Johnson & Huguenard LLP, Richard J. Arsenault of Neblett Beard & Arsenault, and Khaldoun Baghdadi of Walkup Melodia Kelly & Schoenberger.