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JOHNSON & JOHNSON SETTLE HIP IMPLANT CASES

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Pharmaceutical giant Johnson & Johnson promised tens of thousands of people that its cutting-edge Pinnacle artificial hips would give patients more active lives. However, for many, their lives got worse. So, after years of litigation, J&J and its DuPuy subsidiary agreed to create a **\$1 billion** settlement fund for victims.

The settlement covers about two-thirds of the roughly 10,000 defective hip implant lawsuits which are pending in the United States. J&J pulled its controversial Pinnacle implants off the shelves in 2013 when the Food and Drug Administration approved stronger consumer protection rules in this area.



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PERSONAL INJURY

A hip is basically a cup-and-socket joint. This configuration allows for a greater range of motion and improved joint stability. So, the available artificial hip replacement options are also cup-and-socket joints.

For many years, artificial hips had metal sockets and plastic cups. These PoM (plastic on metal) replacement joints were not permanent replacements. Eventually, the plastic wore out. However, the process was gradual, and so doctors had plenty of time to react.

Then, along came MoM (metal on metal) artificial hips. As the name implies, these replacement joints had all-metal parts. Zimmermann, DuPuy, and other manufacturers led patients to believe that the new implants would last for many years without wearing out.

On the surface, that claim appeared true. After all, everyone knows that metal is longer-lasting than plastic.

But manufacturers did not fully account for **metallosis**. Researchers believe this serious condition affects about one in twenty hip implant replacement patients.

Every time hip implant recipients take a step, the friction shaves microscopic metal fragments off the all-metal parts. Over time, these tiny particles build up in the bloodstream and cause metal poisoning.

The metal could affect vital organs near the hip, such as the bladder and kidney. At best, metallosis causes painful and recurrent infections. At worst, the patient suffers from much more serious conditions, perhaps even including organ failure.

The constant erosion also leads to premature device failure. In many cases, MoM implants may fail in less than five years. This failure is not a slow fade. It happens suddenly and without warning. So, the patient must undergo emergency revision surgery. As a result, defective hip implant victims often lose whatever mobility they had regained.

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Indirect Consequences of Defective Hip Implants

There are other issues as well. Hip implants have also been linked to **heterotopic ossification**. HO is basically greatly accelerated bone growth in the spinal cord. Many times, this bone growth is 300 percent faster than normal. As a result, victims develop extremely painful jagged joints which also limit mobility. Furthermore, HO may develop immediately after the implant procedure, or it may develop a number of years later.

HO may have serious collateral effects, such as strokes, seizures, organ damage, and even sudden death.

There is no way to cure or reverse HO. However, a physical therapist may be able to help the victim regain some mobility. And, a doctor could perform surgery and prescribe strong medication to slow the bone growth.

Additionally, many hip implants have high levels of **chromium and cobalt**. Many researchers believe that these heavy metals are just as dangerous to the brain as things like mercury and lead.

Currently, there is no way to test for this kind of metal poisoning without removing the device. Symptoms include mood swings, insomnia, muscle weakness, and diminished cognitive functions.

Your Claim for Damages

Defective hip implant victims may be entitled to substantial compensation. There is a sad logic to metallosis claims. People understand that when two things rub together millions of times, like the hinge on a refrigerator door or the "on" button on a remote control that item eventually wears out. Significantly, people who are in their 60s, 70s, and 80s are much more active today than they were twenty years ago when MoM

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PERSONAL INJURY

Cobalt and chromium poisoning claims are much the same. A simple test reveals whether the victim's implant had these metals. A tiny amount can cause a serious injury.

HO claims are a bit different because there is no logic. However, the statistics favor the victim. About 90 percent of HO victims underwent some form of hip surgery before they developed this condition.

AUTHOR



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Paul Cannon has practiced personal injury trial law since 1995. He is Board Certified in Personal Injury Trial Law by the Texas Board of Legal Specialization since 2005. He has earned recognition as a Super Lawyer by Thompson Reuters in 2017-2020, and as a Top 100 Trial Lawyer by the National Trial Lawyers Association 2017-2020. He is a Shareholder, trial lawyer and online marketing manager at Simmons and Fletcher, P.C. His legal writings have been published by the Texas Bar Journal, Business.com, Lawyer.com HG Legal Resources, Lawfirms.com, and others. He has been asked to give educational talks and media interviews regarding personal injury law issues.

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