



# Wright Hit With \$11M Jury Verdict In Hip Implant Bellwether

*By Brandon Lowrey*

Law360, Los Angeles (November 25, 2015, 6:57 PM ET) -- An Atlanta jury hit Wright Medical Technology Inc. with an \$11 million verdict Tuesday in the first bellwether trial in multidistrict litigation over its allegedly defective metal hip implant, finding that the plaintiff's implant was defective and that the company had misrepresented the safety of the device.

The verdict includes \$1 million in compensatory damages and \$10 million in punitive damages. The plaintiff in the case, Robyn Christiansen, is one of some 2,000 people who filed a complaint or entered a tolling agreement after receiving allegedly defective Wright Conserve Hip Implant Systems.

"We're hopeful that this will be a springboard to a global resolution," plaintiff's attorney Raymond P. Boucher of Boucher LLP told Law360 on Wednesday. "In picking this particular bellwether case, everybody, including the court, was trying to find a middle-of-the-road case. It wasn't a strong plaintiff's case, it wasn't a strong defense case. This gives a pretty good understanding of what a reasonable jury is likely to award in these cases."

A Wright spokeswoman told Law360 that the company will fight the verdict.

"We disagree with the verdict, are considering all of our post-trial options, and expect that we will appeal the decision if it is permitted to stand," she said in an email.

Christiansen received the implant in April 2006 after being advised by her doctor that the metal-on-metal design was superior to ones made with a polyethylene lining, based on information provided by Wright.

Around October 2012, Christiansen began experiencing severe pain in her right hip during exercise and underwent surgery to correct what her doctor thought to be a loose component. Instead, her doctor found that the surrounding soft tissue had been damaged by metal debris that was causing the hip to fail, according to her January 2013 complaint.

"A former ski instructor for over 47 years, Ms. Christiansen is now limited in her ability to enjoy the things she has always loved to do, such as water-skiing and hiking," according to a written statement released after the verdict on behalf of the plaintiff's counsel.

Her case was selected as the first bellwether case in multidistrict litigation that was centralized in Georgia federal court in February 2012.

Wright Medical Technology's parent company, [Wright Medical Group Inc.](#), was **set free** from the case before the case went to the jury earlier this month. However, jurors were allowed to decide the case against the medical device unit itself.

The evidence Christiansen was allowed to put forward to support her case had been trimmed twice before trial began Nov. 9, court records show.

On Oct. 30, U.S. District Judge William S. Duffey Jr. whittled down the evidence that Christiansen could present to the jury, ruling that previous lawsuits against the company, knowledge about the alleged defect after her 2006 surgery and some testimony from her doctor were off limits.

A few days later, the judge ruled that evidence related to Wright Medical Technology's design of the hip replacement product that preceded the Conserve Hip Implant System was admissible, as was private investigator surveillance of Christiansen in case she contradicted her testimony last year that she was living an active lifestyle.

And while the judge did find that expert testimony from orthopedic surgeons regarding their expectations of the Conserve system as "reasonable consumers" was relevant to Christiansen's negligent design claims, he found that four proposed experts were too many and cut the number in half.

At the close of evidence, Wright Medical Technology renewed its motion for judgment as a matter of law on Christiansen's claims for fraudulent misrepresentation, fraudulent concealment, negligent misrepresentation and punitive damages, according to court filings. The company also moved orally in court for judgment as a matter of law on Christiansen's strict liability claim for design defect, according to the judge's opinion.

Among other things, Wright Medical contended that Christiansen hadn't put forth enough evidence to support a legally sufficient basis for a reasonable jury to find in her favor, according to the filing.

Judge Duffey based his finding that the evidence is still worthy of a jury's consideration on unofficial transcripts and recollection of the proceedings over the past week, he said. His order submits the action to the jury but also allows the unit to file a renewed motion for judgment as a matter of law, a new trial, or both.

"It was an honor to represent Ms. Christiansen at trial," Boucher said in the statement. "She is an outstanding spokesperson for the thousands of plaintiffs and individuals in

this proceeding and in litigation pending in California and elsewhere with claims against Wright for its misconduct."

Christiansen is represented by Michael L. McGlamry, N. Kirkland Pope and William U. Norwood III of [Pope McGlamry Kilpatrick Morrison & Norwood PC](#), Ray Boucher of Boucher LLP, and Helen Zukin of [Kiesel Law LLP](#).

Wright Medical Technology and Wright Medical Group are represented by Matthew Taylor, Dana J. Ash, J. Scott Kramer, Sean K. Burke and Ryan O'Neil of [Duane Morris LLP](#).

The case is In re: Wright Medical Technology Inc., Conserve Hip Implant Products Liability Litigation, case number [1:12-md-02329](#), in the U.S. District Court for the Northern District of Georgia.

--Additional reporting by Steven Trader and Kat Greene. Editing by Kelly Duncan.