Zimmer Knee Replacement Lawsuit

Zimmer Manufacturing Company, the world's largest knee implant manufacturer, has sold more than 3 million of its popular NexGen knee replacements since the products were introduced in 1995. And the High Flex versions of NexGen, the first of which was introduced in 2001, were supposed to add to that success by providing patients with greater range of motion.

Today, however, Zimmer is facing more than 700 lawsuits over complaints that its High Flex products can lead to increased pain, loosening and premature failure of the devices, and may require painful and costly revision surgery to replace the defective implants.

Many patients who have Zimmer knee implants feel as if they are victims of the devices' high failure rates. Many of those failures stem from design flaws. Others believe they were misled by false and deceptive advertising about product safety or concealment of adverse or serious health effects that were known to the company. Some claim Zimmer made overly optimistic claims about its products, which did not perform as billed.

For patients who endured the pain and inconvenience of a failed or defective knee replacement or underwent the expense and suffering of revision surgery, a lawsuit against the device manufacturer may be the only way to obtain monetary compensation and justice.

Complications with NexGen Knee Implants
Patients who experience any of the following complications following knee replacement surgery are advised to consult their doctor and then contact a qualified lawyer to receive more information about filing a lawsuit against the manufacturer of these devices:

- Difficulty walking or standing
- A loose feeling in the knee
- Persistent knee pain or swelling
- Need for revision surgery
- Popping, crunching or clicking noises in the knee

Some surgeons, including Dr. Richard A. Berger, a former orthopedic consultant for Zimmer, believe that a design flaw may be to blame for the many problems associated with the NexGen High Flex devices. Dr. Berger and his colleagues found that the CR-Flex can fail to properly fuse to a patient’s thigh bone, which can lead to a loosening of the implant and the need for a second knee replacement surgery soon after the implant is installed.

**Why People File Zimmer Knee Lawsuits**

Recently many lawsuits have been filed against Zimmer by patients who suffered injury, significant pain and/or loss of movement because of implant problems. Most were tied to knee revision surgery.

*Litigants seek some or all of the following:*

- Damages for medical expenses, both past and present
- Costs for rehabilitation and/or home health care
- Costs for lost income
- Damages for permanent disability
• Damages because of pain and suffering

While these cases may differ somewhat in the medical details of their respective plaintiffs, they share claims of wrongdoing by Zimmer:

• A lawsuit filed in the Eastern District of New York in December 2011 involves a plaintiff, John Hall, who had a Zimmer NexGen CR-High Flex femoral component implanted in August 2007. Hall claims his NexGen knee failure resulted in consistent pain and loosening of the device, which ultimately required revision surgery in December 2008. Hall’s complaint states Zimmer “should have known that using the product created a high risk of unreasonably dangerous side effects,” and that the defendant “knowingly, consciously and deliberately placed their financial gain above the rights and safety of the plaintiff and other consumers.”

• Another litigant, South Carolina resident Ronnie Clark, claims in his November 2011 lawsuit against Zimmer that the company “engaged in a marketing and advertising program which as a whole … falsely and deceptively sought to create the image and impression that using the Zimmer NexGen knee was safe.” Clark has had two revision surgeries since his original NexGen implant in December 2007.

• West Virginia resident David Dicken filed a lawsuit against Zimmer in December 2011 in the U.S. District Court for the Western District of Pennsylvania. Dicken was implanted with a Zimmer NexGen LPS-Flex femoral component in January 2005. Shortly after the surgery, he began experiencing severe and debilitating pain and returned to his physician several times for help. Eventually, his physician determined that a Zimmer knee failure had occurred, and Dicken went through revision surgery in December 2009 to replace his knee implant. He is suing Zimmer on grounds of liability and negligence.

• Arizona resident Catherine Pollow-Daniel filed a lawsuit against Zimmer in December 2011 in the U.S. District Court for the District of Arizona. Pollow-Daniels says she had to go through knee revision surgery because of problems with her Zimmer NexGen knee implant. She also claims that the company knew its product could loosen, causing injury, significant pain and loss of movement.

Pollow-Daniels received a NexGen LPS-Flex femoral component and an MIS stemmed tibial component in July 2006. Shortly after surgery, she experienced severe and debilitating pain. In May 2010, she had revision surgery to replace her knee. She
continues to suffer and incur medical expenses. She alleges Zimmer was aware of problems with the NexGen system as early as 2007.

**Zimmer Multidistrict Litigation (MDL)**

When the Zimmer multidistrict litigation (MDL) was established, 28 lawsuits were on file. More than 700 cases have since been transferred to the MDL — in the U.S. District Court for the Northern District of Illinois — and the number is expected to increase. Plaintiffs who file similar Zimmer knee cases in federal court can expect to have their cases transferred to the MDL. Any plaintiff who files in state court may also end up in the federal system if Zimmer asks, and the court agrees, to have the case moved.

Unlike a class action, lawsuits that are transferred from other courts to a federal MDL remain separate. However, pretrial proceedings are consolidated to avoid duplicative discovery and to serve the convenience of the parties and witnesses. Consolidation of proceedings may also help encourage faster settlements. Judge Rebecca Pallmeyer oversees these proceedings.

In November 2011, Judge Pallmeyer appointed several attorneys to leadership roles in the case, who hold regular conferences with Zimmer lawyers every six weeks.

**Filing a Zimmer Lawsuit**

Any person who has experienced pain or difficulty with a Zimmer knee replacement is advised to contact a reputable defective products lawyer, as he or she may be entitled to compensation. Because most law firms of this nature work on a contingency basis, it is likely that if a case meets their qualifications for submittal to the MDL, there will be no charges accrued to the injured patient unless and until damages are awarded.
If you think you may have received a NexGen High Flex implant during a knee replacement surgery and are experiencing problems, it is important to discuss your case with a lawyer to determine your legal options. You can also work to identify your implant, which your lawyer can also help with.

*The following Zimmer products are included in the federal MDL:*

- NexGen Complete Knee Solution Legacy Posterior Stabilized-Flex Femoral Components (LPS-Flex)
- NexGen Complete Knee Solution Cruciate Retaining-Flex Femoral Components (CR-Flex)
- NexGen Complete Knee Solution Gender Solutions Female LPS-Flex (GSF LPS-Flex)
- NexGen Complete Knee Solution CR-Flex Gender Solutions Female CR-Flex (GSF-Flex)
- All NexGen MIS Total Knee Procedure Stemmed Tibial Components

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