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Jury rules against Sulzer in hip trial

August 31, 2001

Source: The Dallas Morning News By Mark Curriden

Company to appeal \$15.38 million verdict, seeks end to other suits

A company that manufactured artificial hips implanted in three South Texas women, causing them severe pain and suffering, must pay them \$15.38 million, a jury in Corpus Christi decided Thursday.

The jury, after 10 hours of deliberation, found that Austin based Sulzer Orthopedics Inc. knew its hip replacement device was defective when the women had the ball-and-socket joint surgically implanted last year.

This was the first of what could be as many as 4,000 cases against the company to go to trial.

Sulzer officials have offered to settle all of the cases against it by agreeing to pay the medical expenses and about \$60,000 to each injured patient. That proposal is under consideration by a federal judge in Cleveland.

But lawyers for the three South Texas women say this jury's verdict shows just how inadequate that settlement offer is.

"This verdict tells the medical device industry that when it learns it has a problem with one of its products, it should tell the doctors and patients about the problem first, not last," says Mikal Watts, a Corpus Christi lawyer representing the three women.

"This jury is saying loud and clear that the American people will not tolerate a company hiding the fact that their defective product is crippling thousands of innocent victims."

Sulzer officials do not dispute that its artificial hip is defective. However, the company says it removed the product from the market as quickly as could be reasonably expected.

Sulzer lawyers said Thursday they plan to appeal the verdict.

The Corpus Christi trial was the result of three separate lawsuits brought by Naomi Bonorden, 68, Helen Rupp, 73, and Lillian Sallinger, 78. All three claimed that their Sulzer hips did not properly adjust to their bodies as promised by the company. The jury awarded the women \$4.38 million in actual damages and \$11 million in punitive damages to two of the women.

"Real people suffered because this company put the company's name and profitability ahead of the health and welfare of the people they served," Ms. Sallinger said.

The artificial hips went bad, according to lawyers on both sides, after the company changed equipment that manufactured the devices. Lawyers say that an oil was accidentally left on the machines. That oil caused the lubricant on the artificial hip to break down, preventing true hip from properly bonding with the natural bones in the body.