

Federal Court

September 30, 2010
By Michelle Massey

DePuy, Johnson & Johnson sued over hip replacement device recall



Richard J. Arsenault, Neblett, Beard & Arsenault

A Tangipahoa Parish resident has filed a lawsuit against the manufacturers of her hip replacement device, accusing the companies of failing to adequately recall the allegedly defective product.

Ida Mosley filed suit against DePuy Orthopedics Inc. and Johnson & Johnson Inc. on Sept. 21 in federal court in New Orleans.

Mosley underwent hip replacement surgery in 2008 and had the device implanted. She states that since implantation, she has experienced difficulty walking, pain and soreness. Due to the complications, she was forced to undergo revision surgery.

Mosley claims that the hip replacement device, the ASR XL Acetabular System and ASR Hip Resurfacing Platform, are prone to failure within approximately two years of implantation.

She alleges that the implant's metal ball and socket bearings generate metal debris from wear and tear and that debris can spread through the patient's bone and tissue.

Other complications from the defective medical device can include lack of mobility, inflammation causing damages or death to surrounding tissue and bone, difficult revision surgery to replace the faulty device, prolonged recovery time, increased risks of complications and death from surgery, Mosley claims.

She claims the products should have been recalled in 2008 after complaints were made to the FDA about alleged defects.

Causes of action filed against the defendants include negligence, construction or composition

defect, design defect, strict products liability, inadequate warning, breach of express warranty and redhibition.

The plaintiff is seeking compensation for non-economic losses including medical expenses, disfigurement, pain and suffering, mental anguish, emotional distress, punitive damages, restitution and disgorgement of all revenue, attorneys' fees and costs and interest.

Mosley is represented by **Richard Arsenault and Michael Bollinger of Neblett, Beard & Arsenault in Alexandria**, Mark Lanier of Lanier Law Firm in Houston, Richard Meadow of Lanier Law Firm in New York and Dana B. Taschner of Lanier Law Firm in Los Angeles.

A jury trial is requested.

U.S. District Judge Eldon E. Fallon is assigned to the case.

Case No. 2:10cv03206