

Artificial hip maker settles for break

Product liability case filed after sudden snapping

Confidential settlement

The makers of an artificial hip settled a pending lawsuit with a Chillicothe, Mo., man after his prosthesis broke without warning.

The case was resolved and settled for a confidential amount prior to expert discovery.

Benny Koehly received a left hip replacement in 1999 with a cementless

hip system product made by Depuy Orthopaedics, a subsidiary of Johnson and Johnson, of Warsaw, Ind.

According to plaintiff's lawyer Brad Kuhlman, it was six years after having the hip replacement that Koehly began to experience hip and back pain. An X-ray of the then 67-year-old man's thigh revealed that the artificial hip stem had snapped midway down Koehly's femur. "It should have lasted 20 years or more," Kuhlman said.

There was no fall or other traumatic act that took place to lead to the broken hip, according to the plaintiff.

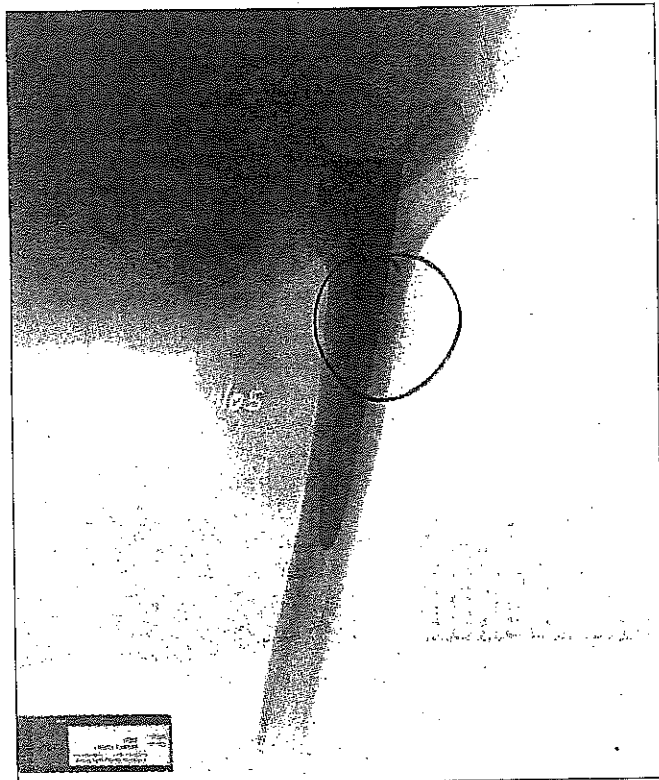
Kuhlman said that there were design and manufacturing defects in the way a porous coating was applied to the stem. The porous coating is what allows the prosthesis to be implanted without the use of cement.

Kuhlman said investigations showed during manufacturing of the prosthesis an underlying parent metal of the stem was weakened.

"What was so unique in this case was that there was no precipitating event. The failure was completely a design failure or manufacturing defect. It wasn't like he fell off a ladder and it broke or he was in an accident," Kuhlman said.

Lawyers for the defendant were not available for comment.

— Mike Nixon



Plaintiff Benny Koehly's artificial hip, shown in an X-ray trial photo above, snapped midway down his femur six years after Koehly's hip replacement.

Facts of the Case

Type of Action: Product liability

Type of Injuries: Fractured hip prosthesis

Court/Case Number/Date: U.S. District Court Eastern Division of Missouri/4:05-CV-1300-SNL/June 21, 2006

Caption: Koehly v. Depuy Orthopedics, et al.

Judge, Jury or ADR: Mediation

Name of Mediator: Richard McLeod

Verdict or Settlement: Confidential settlement

Special Damages: \$184,000

Allocation of Fault: N/A

Last Demand: N/A

Last Offer: N/A

Attorney for Plaintiff: Brad Kuhlman, Evans & Kuhlman, Kansas City, Mo.

Attorneys for Defense: Mike Conner, Barnes & Thornburg, Indianapolis; Christopher Horn, Thompson Coburn, St. Louis



Kuhlman

Insurance Carrier: Self-insured

Plaintiff's Experts: Robert Rose (metallurgy) Cambridge, Mass.; John Ward (economic damages) Prairie Village, Kan.

Defendants' Experts: None