MASTERS OF MASS TORT: MASS TORT SPEED SESSION

**NAME OF LITIGATION:** ZIMMER M/L TAPER HIP PROSTHESIS OR M/L TAPER
HIP PROSTHESIS WITH KINECTIV TECHNOLOGY AND VERSYS FEMORAL HEAD PRODUCTS LIABILITY LITIGATION

(or Zimmer M/L Taper for short)

**A BREIF SUMMARY:** *(Please describe the overall litigation in 3-5 sentences.)*

The MDL is specifically for those implanted with the one of two component combinations- either the Zimmer M/L Taper and Versys formal head or the Zimmer M/L Taper with Kinectiv technology with the Versys head. The Kinectiv stem is the dual modular version of the original and predicate device, the M/L Taper. Plaintiffs allege that the use of the cobalt chromium Versys head with these stems create fretting and corrosion at the trunnion resulting in increased levels of cobalt and chromium in the blood stream, psuedotumors and in many cases revision surgery. Some Plaintiffs also experience complications such as abductor damage, dislocations and complicated re-revisions.

**THE BIG PICTURE:** *(Please include 5-10 bullet points describing the case against the defendant.)*

- Defendant knew or should have known the dangers of pairing these devices. Problems regarding these kinds of titanium stems paired with cobalt chromium heads were known since the early 1990s.

- Lack of testing- Defendant has never conducted any study on the corrosion characteristics of this stem and head pairing.

- Poor design of the head-neck junction , such that micro-motion was predictable.

- Poor manufacturing practices such that the taper neck junction between the head and neck do not “fit” the way they were intended.

- Defendants failed to disclose the greater risk of wear, metal debris, and corrosion.

**THE NUMBERS:** *(Please include 5-10 bullet points describing outlining the mass tort by the numbers, i.e. number of people who used a specific drug, expected number of cases in the US, approximate cost of injuries, etc.)*

- Currently the MDL is small with approximately 50 cases, however, a direct filing order was just entered and we anticipate additional cases.

- Over 20 cases currently sit in state courts across the country. The next trial is set for this summer in Florida.

- The Kinectiv- Versys case has been tried in New Mexico and resulted in a verdict for the plaintiff.

- We believe many more cases are out there, but because Defendant has failed to warn or issue a safety notice, many patients do not know they are implanted this particular combination of devices.

**CURRENT LITIGATION/MDL STATUS:** *(Please include 3-5 bullet points explaining where the litigation currently stands, where cases have been filed, etc.)*

- Direct filing order just signed

- Plaintiff Profile Form, Plaintiff Fact Sheet and Defendant Fact Sheet order will be signed shortly

- Upcoming Science Day on March 27th

- Bellwether pool still open

- Current scheduling order has us set for trial mid 2020

**DEVELOPMENT OF LEADERSHIP:** *(Please explain where the leadership currently stands, etc.)*

- Four person PEC and five person PSC including the following:

* Ashleigh Raso
* Brenda Fulmer
* Kelly McNabb
* Andrew Norden
* Kevin Fitzgerald
* Alex Davis
* Peter Sandberg
* Laura Pittner
* Nick Farnolo

**RULINGS OF NOTE:** *(Are there any rulings of note, specific orders, etc. that are important to know?)*

Bellwether pool is still open so make sure you are filing quality cases. Feel free to reach out to the above to check on your case.

**HOW TO GET INVOLVED:** *(Is now a good time for a new firm to get involved? Etc.)*

Absolutely! We believe there are many more cases out there and we think this is an important and high quality litigation.