

# WILENTZ

—ATTORNEYS AT LAW—

WILENTZ, GOLDMAN & SPITZER, P.A.

## Exactech Hip Replacement Liner Lawsuits

Results achieved in prior matters are not meant to be a guarantee of success as the facts and legal circumstances vary from matter to matter.

**If you or a loved one has been experiencing pain following hip replacement surgery that occurred after 2007, call us to speak directly to an attorney about your legal options. There is no charge for the consultation.**

In June 2021 the U.S. Food and Drug Administration announced a [recall](#) of all Exactech Connexion GXL hip replacement liners due to wear-related issues of the polyethylene. There were approximately 89,050 Connexion GXL hip liners implanted between 2008 to 2019 in the United States. These implants have a risk of premature wear that could lead to health risks and require corrective revision surgery. Read the [Exactech recall notice to healthcare professionals](#).

### How the Exactech GXL Hip Replacement Fails

As medical technology advances and our population ages, those suffering from arthritis and other chronic joint problems increasingly seek relief by undergoing hip replacement surgery. For many, hip implant surgery is uneventful and patients make a full recovery with a new hip that they can expect to survive for at least ten years. Others do not fare as well and do not recover fully following surgery. They experience pain, swelling, limited range of motion, leg length discrepancy, and other complications -- that oftentimes lead to more surgery.

The GXL liner, part of a metal-on-polyethylene or metal-on-plastic hip implant was “enhanced” to “provide 59% wear reduction,” which should have resulted in greater longevity to provide a lifelong implant. However, the GXL liners have demonstrated the opposite outcome. Instead, the liners have had a higher rate of premature plastic wear in patients and early implant failure, ultimately leading patients to need revision surgery.

### What are the signs of hip replacement failure?

- Hip pain
- Swelling
- Stiffness
- Clicking
- Limited range of motion or mobility

### Patients Who Believe They May Have an Exactech GXL Hip Implant

According to the recall notice, patients who have had a GXL hip implant in the last 6 years and who have not seen their surgeon in 12 months should see their doctor for a clinical exam and x-rays.

### How Wilentz Can Help

Wilentz, Goldman, & Spitzer, P.A. is accepting cases from patients who have been injured by defective Exactech implants. If you or a loved one has been experiencing pain following hip replacement surgery that

occurred after 2007, call us to speak directly to an attorney about your legal options. There is no charge for the consultation.

### **What if I don't know what type of hip implant I have?**

Don't worry, most patients do not know who manufactured the components of their hip implant. We can help you get that information, and we will review your records and let you know if you have a case.

**To speak with an attorney about your legal options, please call: 732-855-0375.**

### **New Jersey Law Protects Patients from Defective Hip Implants**

New Jersey recognizes that defective implants exist and has laws that allow injured patients to be compensated for their pain and suffering. Product liability cases may be brought on a [preponderance of the evidence](#) for a failure to warn, a manufacturing defect, or a design defect. The New Jersey Product Liability Act states:

“A manufacturer or seller of a product shall be liable in a product liability action only if the claimant proves by a preponderance of the evidence that the product... was not reasonably fit, suitable or safe for its intended purpose because it: a. deviated from the design specifications, formulae, or performance standards of the manufacturer or from otherwise identical units manufactured to the same manufacturing specifications or formulae, or b. failed to contain adequate warnings or instructions, or c. was designed in a defective manner.”

The New Jersey Supreme Court held in 1998 that in order to establish a claim of defective design, the Plaintiff “must prove . . . that the product could have been designed in an alternative manner so as to minimize or eliminate the risk of the harm.” *Lewis v. Am. Cyanamid Co.*, 155 N.J. 544, 570, 715 A.2d 967, 980 (1998). Furthermore, The New Jersey Product Liability Act requires a manufacturer to produce an “adequate product warning.” N.J.S.A. § 2A:58C-4.

“An *adequate product warning* or instruction is one that a reasonably prudent person in the same or similar circumstances would have provided with respect to the danger and that communicates adequate information on the dangers and safe use of the product, taking into account the characteristics of, and the ordinary knowledge common to, the persons by whom the product is intended to be used, or in the case of prescription drugs, taking into account the characteristics of, and the ordinary knowledge common to, the prescribing physician.”

N.J.S.A. § 2A:58C-4, (emphasis added). Adequate product warnings warn of risks that manufacturers knew or should have known at the time the device was produced.

### **According to the recall announcement issued by Exactech, these liners are impacted:**

- Acumatch Liners: Acumatch GXL 0 Degree Liner, 28mm; Acumatch GXL 0 Degree Liner, 32mm; Acumatch GXL 0 Degree Liner, 36mm; Acumatch GXL 15 Degree Liner, 28mm; Acumatch GXL 15 Degree Liner, 32mm
- MCS Liners: MCS +5GXL LINER 5/15 DEG; MCS GXL LINER 5/15 DEG; MCS +5GXL LINER 5/15 DEG; MCS GXL LINER 5/15 DEG; MCS +5GXL LINER 5/15 DEG; MCS GXL LINER 5/15 DEG
- Novation Liners: Novation GXL Neutral Liner, G00, 22mm ID; Novation GXL Liner, Neutral, 28mm; Novation GXL Neutral Liner, G0, 28mm ID; Novation GXL Liner, Neutral, 32mm; Novation GXL Liner, Neutral, 36mm; Novation GXL Liner, Neutral, 40mm; Novation GXL Liner, G00, 22mm ID; Novation GXL Liner, Lipped Ant, 28mm; Novation GXL Liner, G0, 28mm ID; Novation GXL Liner, Lipped Ant, 28mm; Novation GXL Liner, Lipped, 28mm; Novation GXL Liner, Lipped Ant, 32mm; Novation GXL Liner, Lipped, 31mm; Novation GXL Liner, Lipped, 32mm