

Kentucky Man Files Suit Against Zimmer For Selling Him Defective Artificial Hip That Caused Him Extreme Pain For More Than 2 ½ Years

Louisville, KY – June 11, 2010 – Wendy R. Fleishman of the national plaintiffs' law firm Lief Cabraser Heimann & Bernstein, LLP, and Philip Grossman of the Louisville, Kentucky law firm of Grossman & Moore, PLLC, announced that Mark Kevin Nunn today filed a lawsuit against Zimmer Inc., the nation's largest producer of orthopedic devices. Nunn suffered constant and devastating pain for more than 2 ½ years and was forced to undergo a second hip replacement surgery in April 2010 due to a defective hip implant manufactured and sold by Zimmer as the Durom Cup.

The Durom Cup was first sold in the U.S. in 2006, and was implanted in more than 12,000 patients over a two-year period. The complaint estimates that the failure rate of the Durom Cup so far is between 20% and 30%. The true failure rate will ultimately be much higher as doctors and their patients come to realize that their implants are failing.

“The whole experience has had a major negative effect on my quality of life,” stated Nunn, age 44, of Louisville, Kentucky. “I had such intense pain it seemed like medication was not helpful. The continual pain affected my relationships, my work and every aspect of my life. I spent two and a half miserable years in intense pain. Then I had to go through a second surgery replacing the implant that should have been completely unnecessary. Zimmer should have known before it sold its implant that it would not work.”

In July 2008, one year after Nunn received his Durom Cup, Zimmer issued a "temporary suspension" of sales of the Durom Cup device because of the unacceptable failure rate.

"Rather than functioning in the intended manner, the complaint charges that the Durom Cup implant resists bone growth and becomes loose or pops free from the hip," added Fleishman. "This unintended result has caused severe pain to patients and forced many, including Mr. Nunn, to undergo revision surgery to remove the failed Durom Cup."

"Zimmer's belated suspension of sales of its defective product was too little, too late for Mr. Nunn and countless other patients who needed well-made artificial hip implants to restore their ability to sit, stand and walk without excruciating pain," stated Grossman. "Mr. Nunn and other patients have suffered needlessly."

Allegations Concerning the Zimmer Durom Cup

A "metal-on-metal" implant, such as the Durom Cup, is not cemented or screwed in place during implantation. Instead, it was designed to bond naturally to the patient's hip bone.

After the product was introduced in the United States, Zimmer began receiving complaints from physicians that its Durom Cup was failing. "Despite warnings from leading orthopedic surgeons, Zimmer continued to aggressively market the Durom Cup in 2007 and into 2008, blaming surgeons for the growing failure rate," explained Fleishman.

In July 2008, Zimmer announced that it was temporarily suspending the sales of the Durom Cup in the United States. In its announcement, Zimmer stated that the suspension was necessary "while the Company updated labeling to provide more detailed surgical technique instructions to surgeons and implements its surgical training program in the U.S."

Zimmer denies any "evidence of a defect" with the Durom Cup and has refused to issue a recall notice in accordance with procedures established by the Food and Drug Administration.

The lawsuit, entitled *Nunn v. Zimmer Holdings*, was filed today in federal court in Louisville, Kentucky.

Legal Resources for Zimmer Durom Cup Hip Implant Patients

Lieff Cabraser represents persons across America injured by defective medical devices, including the Zimmer Durom Cup.

If you would like to learn more about your legal rights please visit our Zimmer Durom Cup injuries legal information page at

<http://www.personalinjurylawyeramerica.com/medical/zimmer-durom-hip-recall.htm>

or call us toll-free at 1-800-541-7358 and ask to speak to attorney Heather Foster.

There is no charge or obligation for our review of your case.

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