

LANDMARK NATIONAL SETTLEMENT REACHED IN STYKER HIP REPLACEMENT LAWSUITS

IN UNPRECEDENTED AGREEMENT, COMPANY MUST PAY FOR FUTURE COMPLICATIONS ATTRIBUTABLE TO FAULTY DEVICES



WEST PALM BEACH, Fla., November 4, 2014 – South Florida law firm Searcy Denney Scarola Barnhart & Shipley, P.A. (Searcy Denney) announced today that a national settlement has been reached on behalf of victims of the recalled Stryker Rejuvenate and ABG II hip replacement devices. It is estimated that Stryker and Howmedica Osteonics will pay well in excess of \$1 billion to qualifying claimants under this settlement program.

The settlement secures the largest base payment award ever in a mass tort hip implant settlement. Individuals forced to undergo qualified revision surgeries to remove a Stryker Rejuvenate or ABG II Hip Stem are entitled to a base payment of up to \$300,000, with small deductions based upon age and whether the patient had undergone another hip implant replacement surgery before the Rejuvenate or ABG II device was implanted. Patients who were implanted with two Stryker implants have undergone qualifying revision surgeries on both of their hips would qualify for up to \$600,000 as a base award. There are no reductions for obesity, smoking, diabetes, or other conditions that have been common in other large-scale hip implant settlements. The settlement program also provides for a number of payments ranging from \$10,000 to \$600,000 for various types of additional serious complications and damages relating to the device failure, including post-operative infections, need for additional surgeries, hip dislocations, femur fractures, heart attacks, strokes, lost wages, and death.

It is a ground-breaking settlement for at least two reasons. First, Stryker is required to pay current injuries and damages as well as pay for future complications that occur over the next two years as a result of the product, which was recalled in 2012. Second, unlike most comprehensive settlements, it is not a fixed-fund settlement. Every claimant's injury is measured individually, so there is not a single lump sum to be distributed to the claimants. There is no a cap on Stryker's liability under the settlement program.

Also, the settlement agreement was reached in an unusually short amount of time for drug and medical device litigation, within approximately two years of

plaintiffs' counsel first uncovering the defects in the Rejuvenate and ABG II implants and beginning their investigation. The total cost of this litigation was thus far relatively low, which will further increase the net recoveries to plaintiffs who chose to participate in the national settlement program.

“The unusual terms of the settlement, and the speed with which it was obtained, speak volumes,” said C. Calvin Warriner III, the Searcy Denney attorney who was a court-appointed member of the plaintiffs' negotiating team. Mr. Warriner was chosen by the negotiating team to give plaintiffs' opening presentation to Stryker's representatives regarding the liability and scientific evidence uncovered during the plaintiffs' investigation and discovery in the litigation. The other members of the plaintiffs' negotiating team included Ellen Relkin of New York City, Tara Sutton of Minneapolis, and Tom Anapol of Philadelphia. “The magnitude and breadth of this settlement powerfully underscores the far-reaching consequences of the additional invasive surgery that implantation of this defective device made necessary,” noted Mr. Warriner.

The coordinated litigation over the recalled Rejuvenate and ABG II hip implant stems was filed in New Jersey's Bergen County Superior Court in August of 2012. Stryker's orthopedic device division is based in Bergen County. The settlement agreement was reached during face-to-face negotiations conducted for nearly six months that were ordered by the court and overseen by retired United States Magistrate Judge Diane Welsh.

The product defect is traceable to Stryker's decision to use dissimilar metals in the manufacture of the neck and stem components of the Rejuvenate and ABG II hip implants. The interaction of those metals causes corrosion, releasing toxins that invade the bloodstream sickening the patient, and causing muscle, tissue, and bone deterioration. “The harm caused by the Stryker Rejuvenate Hip Stem and the ABG II Modular-Neck Hip Stem in nearly 4,000 patients with pending lawsuits is utterly indefensible,” said Brenda Fulmer, the Searcy Denney attorney who collaborated with Mr. Warriner in litigating this case. The product was recalled soon after Searcy Denney launched its initial investigation into Stryker implant failures in South Florida and began publishing its safety concerns online.

Compensation is available in the national settlement program to all persons implanted with the Rejuvenate or ABG II hip implants who have undergone a qualified revision surgery in which the stem and neck of the device were removed more than 180 days after implantation but before November 3, 2014. Implantation and revision must have occurred in the United States or in a United States military

hospital. Revision surgery must be the result of device failure as evidenced by an elevated cobalt blood test, an abnormal diagnostic scan, or intraoperative or pathological findings of tissue damage.

All claimants must register through their attorneys with the claims administrator by January 15, 2015. Full settlement details and information on enhancements and eligibility criteria are available at www.searcymasstortsolutions.com. Additional information regarding the settlement is also available on Stryker's website at www.StrykerModularHipSettlement.com and the New Jersey Plaintiff Steering Committee's website at www.RejuvenateHipSettlement.com.

About Searcy Denney Scarola Barnhart & Shipley, P.A.

A nationally recognized trial law firm, Searcy Denney Scarola Barnhart & Shipley, P.A. is committed to protecting victims of negligence, defective products and corporate wrongdoing. Over the past 35 years, the firm has represented clients in courtrooms throughout Florida and across the nation.