



G-LAW

*A publication
for the clients
and friends of
GoldenbergLaw,
PLLC*

"Promoting Safety Through Accountability"

FALL 2012

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A message from

Stuart Goldenberg

As you may know, I am blessed with four wonderful daughters—Marlene (26), Carolyn (25), Stefanie (21) and Adriana (19).

I just experienced one of the great moments of my life—my oldest daughter Marlene's wedding. I cannot express the feelings a father has when he sees his beautiful daughter walking down the aisle. I truly am

so happy
for her and Bobby, my son-in-law.



Every family that goes through a wrongful death says the same thing to me—"I wish we would have had more time together." As Thanksgiving approaches, please remember how important your families and friends are to you, and how thankful you are for time spent with them.

All the best,

But in spite of my joy, I also could not forget the many wrongful deaths of clients we have represented. Lives tragically cut short by the unsafe actions of others. Men and women who never got to see a daughter walk down the aisle, watch a son play varsity baseball, hold a grandchild, celebrate another holiday or experience all of the wonderful milestones and events life has to offer.

Stay in the Loop with GoldenbergLaw!

Our social media sites are a great way to keep up on safety news and updates, as well as any updates we have on our mass tort cases.

You can also show your support for what we do by becoming involved. Next time you're logged on, make sure to visit us at:

Facebook: facebook.com/GoldenbergLaw

Twitter: [@Goldenberg_Law](https://twitter.com/Goldenberg_Law)

LinkedIn: linkedin.com/company/goldenberglawpllc

Google Plus: [GoldenbergLaw, PLLC](https://google.com/+GoldenbergLaw)

Blogs: catastrophicaccidentresourcecenter.com

defectivedruganddeviceresourcecenter.com

productrecallresourcecenter.com

toxicortresourcecenter.com



The Finasteride Problem:



Finasteride, known under the trade names

Propecia & Proscar,

can wipe out hair loss and BPH.

But is it worth your sex life?

Despite the growing number of lawsuits and formal complaints to the FDA, Merck still denies that there is a causal relationship between finasteride and the severe and persistent sexual side effects reported by men who have taken it.

After the FDA completed its review of 421 of the adverse event reports filed for Propecia and Proscar, Merck was forced to revise the labeling for both drugs to include a more extensive list of persistent side effects (building upon their inclusion of persistent erectile dysfunction, which they finally added in 2011).¹ Still, Merck was quick to point out that their April 2012 revisions do *not* mean they are admitting to a causal relationship.

However, what Merck is willing to publically admit at this point does not change the fact that we represent almost a hundred young men who took forms of finasteride, experienced numerous physical and mental side effects, particularly E.D. (erectile dysfunction), and subsequently discontinued use of the drug. Trusting Merck's labeling at the time, these men expected their side effects to subside but found that their endocrine systems were not able to return to normal. Doctors have labeled this condition "Post-Finasteride Syndrome (PFS)."²

This summer, medical professionals established the **Post-Finasteride Syndrome Foundation**, which is dedicated to helping fund research on the characterization, underlying biologic mechanisms and treatment of PFS. They also aim to raise awareness. CEO Dr. John Santmann be-

Post-Finasteride Syndrome:

PFS is characterized by sexual, neurological, hormonal and psychological side effects that persist in men who have taken the prescription drug, finasteride, to treat hair loss (under the brand name Propecia or generics), or enlarged prostates (Proscar or generics). Specific symptoms reported include erectile dysfunction, severe depression, cognitive impairment, loss of libido, Peyronie's disease, penile shrinkage and gynecomastia.

Defined by PFS Foundation

lieves we are only seeing the "tip of the iceberg" in terms of how many men have been rendered impotent by finasteride.³

In short, Merck failed to warn our clients and their doctors that their sex lives would be permanently affected. Some of our clients feel embarrassed, anxious and depressed on a daily basis. Many are angry. One of our clients embarked on a hunger strike this summer, demanding answers in front of Merck's headquarters.

These feelings are understandable, and the situation is unacceptable. The risk of permanently losing one's sexual function was not one these men consented to. We will continue to fight for justice on behalf of the men whose lives have been changed due to Merck's negligence.

¹<http://www.fda.gov/Drugs/DrugSafety/InformationbyDrugClass/ucm299754.htm>

²<http://www.pfsfoundation.org/> ³<http://www.pfsfoundation.org/>

****Photograph of pills taken from www.about-hairloss.com**

Stryker Hips Strike Out

Another 510(k) hip device recalled—
How and when can we know a product is safe?

In our summer edition of G-Law, we dedicated a page to the topic of metal-on-metal hip implants and surrounding safety concerns. There has been yet another recall since that time, and we feel that the matter warrants further attention.

The movement away from metal-on-metal (MoM) implants began after the DePuy ASR began to fail and was eventually recalled. Many manufacturers scaled back their production or stopped selling their MoM models altogether, and surgeons reverted back to designs that included ceramic or polyethylene to stay away from the risks associated with the metal ball and cup combination.

On July 4, 2012, Stryker Orthopedics recalled the ABG II and Rejuvenate stems, citing higher failure rates and the potential for metallosis.¹ These two

devices were thought to be good alternatives to metal-on-metal hips because they did not include a metal ball and metal socket combination.



Our experts believe that Stryker did not accurately assess the potential for other parts of the hip to corrode when they designed these devices. The modular stem/neck junctions on the hips (circled in photo) create a metal-on-metal point of intersection at which corrosion or “fretting” can occur. The fretting and corrosion can lead to elevated metallic ion levels in the bloodstream.

These products did not go through full FDA review because of an exception called 510(k) classification. The 510(k) program is intended to promote innovation by making it easier for newer renditions of products to enter the market. However, the continuing pattern of medical device manufacturers having to recall hip replacement products is alarming. This less thorough review process, combined with the lack of an effective joint registry database, allows for thousands of people to receive an implant before a problem is addressed. The FDA also relies on financially-motivated device companies to be their own regulators. More testing should be required before these products are placed on the market. Now, it is our clients who pay the price.

The irony of this situation is overwhelmingly frustrating for recipients like our client, Lisa Eickman (right). Lisa spent years active in sports, focusing most of her energy in gymnastics. Only recently she required hip replacement surgery to address an injury. Lisa researched the dangers associated with metal-on-metal hips and decided to proceed with the Stryker ABG II stem since it was not a metal-on-metal hip. She was told it would last 15-20 years.



After the Stryker device was implanted in Lisa's hip area, she began to experience extreme, chronic pain that essentially debilitated her for more than a year. The device had caused metallosis (metal poisoning), as professionals discovered. Due to the metallosis, Lisa's local muscle tissue was damaged to the point where she needed extensive surgery to have the device removed and replaced. She is still recovering.

¹<http://www.aboutstryker.com/modulaneckstems/>

Dangerous Drugs and Devices

GoldenbergLaw is currently investigating claims involving these products and has 27 years of experience handling dangerous drug and device cases.

Contact us at 612-333-4662 or 855-333-4662.

<p>Medtronic Infuse BMP Bone Graft</p> <p>Used in spinal fusion surgeries— Causes unwanted bone growth, severe arm and leg pain and possibly cancer.</p> 	<p>Propecia/ Proscar (finasteride) - Causes severe and persistent sexual dysfunction in men and is also linked to prostate cancer.</p> <p>**See page 3</p> 
<p>Topamax</p> <p>An anti-seizure medication—causes birth defects such as cleft palate and cleft lip.</p> 	<p>Actos</p> <p>A blood sugar control medication for Type II diabetics—causes bladder cancer.</p> 
<p>Accutane</p> <p>An acne medication—causes Crohn's Disease or Ulcerative Colitis.</p> 	<p>Darvocet/ Darvon</p> <p>A narcotic for pain—causes heart arrhythmias.</p> 
<p>Yaz/Yasmin/ Ocella; NuvaRing</p> <p>Female contraceptives that can cause dangerous blood clots.</p> 	<p>Metal-on-Metal Hips</p> <p>Cause loosening, pain, high metal levels in the blood and a need for replacement surgery. Includes DePuy ASR, DePuy Pinnacle and other models.</p> 
<p>Stryker Rejuvenate and ABG II hip Systems</p> <p>Modular hip systems—can cause elevated metal levels in blood-stream and/or need for revision.</p> <p>**See page 4</p> 	<p>Transvaginal Mesh, Bladder slings, TVT Tape</p> <p>Causes tissue erosion, device failure, need for additional surgery to remove or manipulate device.</p> 
<p>Fosamax</p> <p>An osteoporosis drug—can impair body's ability to repair damage to bones, leading to femur fractures or jaw necrosis; possible link to esophageal cancer.</p> 	<p>Zimmer NexGen Knee</p> <p>Knee prosthetic that causes loosening, shifting, pain and need for surgical replacement.</p> 

GoldenbergLaw Obtains \$1.1 Million for Injured Motorcyclist

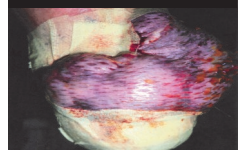
Craig, a 21-year-old construction worker and minor league hockey player, was riding his motorcycle one summer day when a driver taking a left turn failed to yield to oncoming traffic and crashed into him. Craig was thrown from his motorcycle and suffered serious injuries including fractures to his tibia, fibula and calcaneus (heel). Calcaneal fractures are among the worst a person can suffer.

Prior to suit, the insurance company offered Craig and his attorney, Michael Padden, \$500,000 to resolve his case. It was a classic example of how an insurance company can try to undervalue the impact an injury like this would have on a person's life.

Internal fixation of calcaneus



"Dehiscid wound" on his heel has left him with a large growth almost the size of a baseball



ed on his physical condition. He was working for his family's construction business with plans to eventually own the company or to start his own. After beginning the lawsuit, we obtained important functional capacity testing and doctor's reports that restricted him to more sedentary work and activities that did not entail significant weight-bearing, pressure, or time on his feet.

We retained a vocational expert to assess the loss of Craig's earning capacity and plan for his future by finding a new career path within his restrictions.

The experts determined Craig's foot is now permanently disfigured with a large growth, over which it is impossible to fit a normal sized shoe. He will likely need additional plastic surgery. Craig would no longer be able to play hockey.

We interviewed Craig's friends and family, who testified that he had lost almost two years of early adulthood. He had to move back in with his parents and gained weight because he was not able to exercise. He has not been able to stay on his feet or walk for long periods of time due to the lingering sensitivity in his heel.

In the end, we were able to convince the insurance company to tender the Defendant's policy limit of \$1.1 million. Needless to say, Craig will continue to be affected by his injuries. However, we are pleased to have helped him stand up to his insurance company and obtain fair compensation for his injuries and future limitations.

Photo Cred: mdguidelines.com



Calcaneal Fractures:

Since most of the body's weight is supported by the heel, breaking this bone (called a calcaneal fracture) is a very serious and debilitating injury. In fact, an article published in medical journal, Foot & Ankle International, stresses that "the quality of life after injury and the effect on the patient [after a calcaneal fracture] should not be underestimated" and that the injury will be a life-changing event—functionally and socially. According to their study, this type of fracture **"compared numerically and statistically to a disease entity such as myocardial infarction with its severe impact on personal wellness."**

Although the offer may seem like a lot of money, it is not when compared to the extensive past and future medical costs that Craig faced, combined with his lost wages. His medical costs alone totaled over \$300,000. It is also very important to consider what these injuries will mean for someone – especially a young adult – in the future.

Michael Padden, a well-respected, local attorney, decided to partner with GoldenbergLaw to litigate the case.

Both Craig's livelihood and occupation depend-

NEWS AROUND GOLDENBERGLAW, PLLC

This issue, we are very pleased to announce our newest attorney, Laura Pittner. Laura started at GoldenbergLaw as a law clerk during her first year at William Mitchell College of Law. She has been a terrific team member on mass tort projects such as Avandia, Yaz and metal-on-metal hips. She has proven to be an extremely valuable asset to our firm. Laura will continue to work with our clients on mass torts and litigation.



Laura grew up in Sheboygan, Wisconsin and earned her bachelor's degree at the University of Wisconsin, Madison. Before working at GoldenbergLaw, she was an intern at the Minneapolis Government Center, where she assisted individuals in completing legal documents.



Laura with her mom and dad after graduating from William Mitchell—Spring 2012

Laura also completed an internship at a non-profit organization, where she researched and wrote policy memos on public transportation. In addition, she applied her skills as a grant writer for the American Heart Association and worked as a researcher at the Minnesota House of Representatives.

In her free time, Laura enjoys staying active. She loves running (and has completed two marathons) and often bikes to and from work. She also likes playing with her dog, Hank, and is an avid reader. Laura is hard-working, smart and compassionate. We are excited and proud to have her as a part of our team.

GOLDENBERGLAW IS APPOINTED TO A NATIONAL LEADERSHIP POSITION

Due to our early and dedicated involvement in the Infuse BMP litigation, GoldenbergLaw has been appointed to be one of the Co-Chairs to lead the national AAJ litigation group for Medtronic Infuse BMP cases.

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