



G-LAW

A
Publication
for the Clients and
Friends of
GoldenbergLaw,
PLLC

"Promoting Safety Through Accountability"

Spring 2014

SETTLEMENTS

METAL-ON-METAL HIP: SETTLEMENTS AND UPDATES

ASR HIP \$2.2 BILLION

BIOMET HIP \$100 MILLION

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A message from

STUART GOLDENBERG *on Settlements*

Twenty-nine years ago, I settled my first case as a lawyer. My client was a wonderful lady named Alice who had been hurt in a car crash. I will never forget what she told me: “Stuart, I can now put this behind me and move on with my life.”

I learned from that case and thousands of others that there is no amount of money that can replace a person’s health. Settlements are all about justice and closure. As Alice told me, it allows a person to move past a horrible time and look to the future.

Alice and I remained friends until her death a few years ago. She probably referred me over twenty other clients over the years. I was always grateful and told her so.

One particular case involved a death of a child by a drunk driver. As Alice introduced me to her grieving friend, the friend asked how pursuing this case

Mass Tort Settlements

Mass tort settlements are very different from individual cases. They are more complex and much more difficult to accomplish quickly. While each client will be made an individual settlement offer, the cases are often resolved in one large master settlement agreement (MSA) where clients may choose to opt in or out.

Often, a special independent administrator helps to then provide a specific settlement offer to a client. Once accepted, all outstanding liens must be resolved before the funds can be fully distributed.

would help her. She said that all she wanted back was her daughter. Before I could say anything, Alice told her that “making sure she held the driver accountable was the least she could do for her daughter” and that it would “make the world a safer place.”

Alice put it perfectly, and I took her words to heart. In fact, we adopted a slogan for our firm from Alice’s words: “Promoting Safety through Accountability.”

I miss Alice. She understood that accountability, justice, and closure are what a good settlement is all about.

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

Medtronic BMP: facebook.com/BMPinjury

Twitter: @Goldenberg_Law

LinkedIn: linkedin.com/company/goldenberglaw-llc

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

Blog: defectivedruganddevicesourcecenter.com



DANGEROUS DRUGS AND DEVICES

GoldenbergLaw is currently investigating claims involving these products and has 29 years of experience handling dangerous drug and device cases. Contact us at 612-333-4662 or 1-855-333-4662

Medtronic Infuse BMP:

Used in spinal fusion surgeries - linked to unwanted bone growth, inflammatory reaction, severe arm and leg pain and possibly cancer.



Medtronic Paradigm Pump:

Insulin pump - linked to defects resulting in over- or under- delivery of insulin, serious illness, and/or death.



Topamax:

An anti-seizure medication - linked to birth defects such as cleft palate and cleft lip.



Mirena IUD:

Contraceptive that can cause abscesses, pelvic inflammatory disease, embedment in or perforation of uterus, erosion of adjacent areas, and other related problems.



GranuFlo/Naturalyte:

Dialysis solutions - linked to metabolic alkalosis, cardiopulmonary arrest, sudden cardiac death, and other cardiac-related events.



Byetta/Januvia:

Diabetes medications - linked to an increased risk of pancreatitis and pancreatic cancer.



Yaz/Yasmin/Ocella; NuvaRing:

Female contraceptives - linked to dangerous blood clots (i.e. deep vein thrombosis/DVT, pulmonary embolism, stroke).



Metal-on-Metal Hips:

Linked to implant loosening, pain, high metal levels in blood and need for revision surgery. Models include DePuy ASR, Zimmer Durom Cup, DePuy Pinnacle, and others.



Stryker Rejuvenate/ABG II Hip Stem:

Modular hip stems - linked to corrosion at stem/neck juncture leading to elevated metal levels in bloodstream, necrosis and need for revision surgery.



Actos:

A blood sugar control medication for type II diabetics - linked to bladder cancer.



Propecia/Proscar:

(finasteride) a hair loss and BPH drug - linked to severe and persistent sexual dysfunction in men and is also linked to prostate cancer.



Testosterone Therapy Drugs:

Male hormone drugs - linked to increased risk of heart attack, stroke, or death.



- **\$2.2 Billion Settlement** includes anyone who has undergone a second replacement (revision) surgery more than 180 days after original surgery and *before* August 31, 2013.
- Cases outside of the criteria for settlement continue to be litigated. We continue to handle these cases.

BIOMET M2A

- **\$56 Million Settlement** - Plaintiffs who have undergone revision surgery more than 180 days after it was originally implanted are eligible for settlement.
- Other claims will be dismissed without prejudice on or before September 12, 2014, if a revision surgery does not take place by that date.

STRYKER ACCOLADE

- While there is no consolidated action for these cases, they are being litigated individually in courts around the country.
- As the science continues to develop on the failure of these devices, GoldenbergLaw is investigating proper court venues to bring these actions.

STRYKER (REJUVENATE/ABG II)

- There are currently two main consolidated actions throughout the country: Minnesota (federal MDL) and New Jersey (state court).
- There have been a handful of individual cases in New Jersey selected for settlement, but amounts are confidential at this time. We hope to see more results soon.

WRIGHT CONSERVE HIP

- Parties have agreed to put discovery on hold to begin a mediation program in an effort to move toward resolving as many cases as possible.
- The mediation process is expected to take 6-9 months. There is no guarantee mediation will be successful, yet this is a great opportunity for the parties to discuss case value in detail.

DEPUY PINNACLE

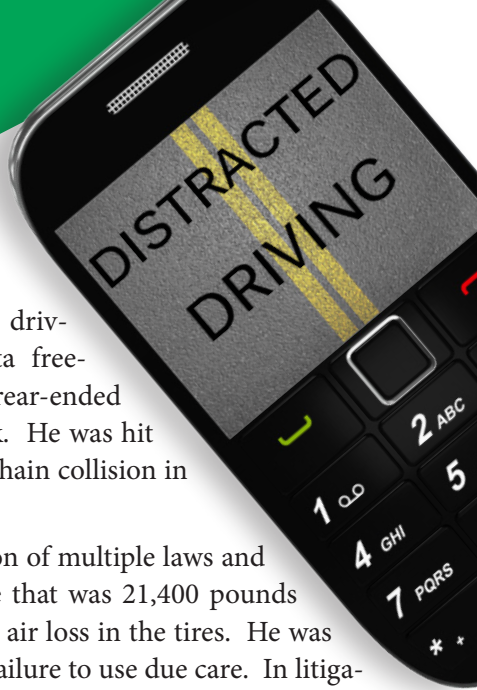
- Thousands of cases have been consolidated in the Northern District of Texas under Judge Kinkeade. A jury trial is set for September 2014.

ZIMMER DUROM CUP

- We have successfully settled a number of Zimmer Durom Cup cases.
- Some cases still remain in litigation.

We have litigated metal-on-metal hip cases for almost four years now and continue to work diligently toward a resolution for all of them. While we still have a ways to go, we are encouraged by the progress we have seen thus far.

SETTLEMENT FOR VICTIM OF DISTRACTED DRIVING



Our client, Gary, was driving on a Minnesota free-way when he was rear-ended by a 60,000 pound commercial truck. He was hit so forcefully that it caused a five-car chain collision in front of him.

The driver of the truck was in violation of multiple laws and regulations. He was driving a vehicle that was 21,400 pounds over registered weight and had severe air loss in the tires. He was cited for these violations, along with failure to use due care. In litigation, we discovered through the driver's cell phone records that he was using his phone at or near the time of collision.

Gary sustained injuries to his cervical spine which resulted in chronic neck pain, significant loss of motion, and permanent limitations. After he was treated with chiropractic care, cervical medial branch blocks, physical therapy and trigger point injections, Gary's doctor determined there was nothing more that could be done for his pain - it was permanent.

Gary underwent a functional capacities evaluation and vocational/psychological testing. Both concluded that, due to his injuries, Gary was no longer able to meet the physical demands of his job of 20 years. His injuries also prevented him from securing any other jobs that matched his skillset and pay. The job that Gary was able to obtain after his accident paid him approximately one third of what he was making at his previous job.

After a year of litigation, we have secured a settlement for Gary that takes the severity and permanency of his injuries into consideration. The settlement, which accounted for (among other things) his wage loss for the next several years, will allow him to put this unfortunate event behind him and move on with his life without the financial burdens he faced after the accident.



TESTOSTERONE THERAPY DRUGS LINKED TO DEADLY INJURIES



In February 2014, the FDA announced they would be investigating testosterone therapy drugs to reassess their safety. The announcement came within months of two separate studies that showed men who took testosterone therapy drugs were at an increased risk for stroke, heart attack and death.

The most recent study that was cited in the FDA's announcement found a two-fold increase in the risk of heart attack among men aged 65 years and older in the first 90 days of taking testosterone therapy. In men 65 years and

younger with a pre-existing history of heart disease, the risk was two- to three-fold. Data from other studies also showed an increased risk of cardiovascular adverse events.

These risks are serious and were not warned about. Prescriptions for these medications have risen in recent years, and many have been issued without blood tests confirming testosterone deficiency.

GoldenbergLaw is pursuing cases throughout the country on behalf of people injured or killed by these products.

DO YOU HAVE A CASE?

____ Did you (or a loved one) take a testosterone therapy drug such as Androgel, Androderm, Axirom, Bio-T-Gel, Delatestryl, Depo-Testosterone, Fortesta, Striant, Testim, or Testopel?

____ While *on testosterone*, did you suffer one of the following:

- Heart attack
- Stroke
- Pulmonary Embolism (PE – blood clot in lung)
- Deep Vein Thrombosis (DVT – blood clot in leg or arm)
- Death (due to a cardiac or clotting event)

If you answered "yes" to both of these questions, please call us for a free consultation. Call 612-367-8900.

Lindsey has been with our firm for over three years. She initially was our legal intake specialist, which allowed her to gain insight into our clients' concerns and questions. She was promoted to director of marketing. Lindsey's work as marketing director includes coordinating our marketing and keeping potential clients, existing clients, and referring attorneys updated. Lindsey writes and designs GLAW.



Get To Know Lindsey

Do you have any pets? Together, my fiancé and I have three large dogs. I'm a huge animal lover – I've never been without pets!

What is the strangest pet you've had? I've had a snake, tarantula, ferret, geckos, lizards, tree frogs, and many others. I'm not sure which is the strangest!

What does your ideal weekend look like? If it's summer, anything involving pools or open water – and mojitos. If it's winter, a weekend trip to Miami.

What are you most looking forward to with the warmer weather? Boating, running outside, grilling, and restaurant patios.

Do you have any big plans for the summer? Besides the items above, my wedding in August!

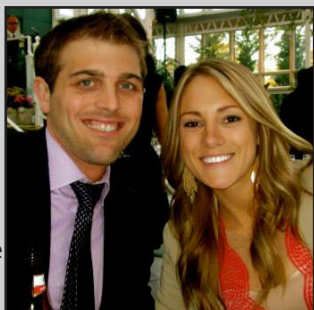
Where was your favorite vacation? I went to Paris and Italy in high school when my soccer team played in the Italy Cup. It was such a great experience and fun to be there with so many people my age!

What is your favorite sport to watch? To play? I played soccer in high school and college. My favorite sport to watch is definitely football – I love watching the Vikings!

Who is your hero? My mom and grandmothers – they are some of the strongest women I know!

Urban or Rural? I love living in the city, but I like to be able to escape once in a while.

What is your favorite movie? Forrest Gump.



Lindsey and her fiancé, Nick

IN OTHER NEWS: Medtronic Infuse Update

We have filed cases in Minnesota, California, Hawaii, Arizona, and a number of other states. Each court must rule on preemption before the cases may proceed. Some of our first cases will be proceeding to discovery. Others will go on appeal. We are also proud to be a part of a tremendous trial team that will hopefully try the first Infuse case in Rockville, Maryland, in the next few months. More trials around the country are also scheduled.

GOLDENBERG LAW

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