

September 2015



POINTS OF INTEREST

NEWS AND VIEWS OF THE SPANGENBERG LAW FIRM.

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THE SPANGENBERG LAW FIRM TAKES ON LEADERSHIP ROLE

Managing Partner Peter H. Weinberger is appointed to the Plaintiffs' Executive Committee in litigation relating to injuries caused by the use of Benicar and similar medications.

BOARD APPOINTMENT

FIRM WELCOMES DUSTIN HERMAN

We are pleased to introduce attorney Dustin Herman, who recently joined the Spangenberg Team.

This newsletter is intended to provide information regarding this law firm, legal issues, and public events. It is not legal advice. Every case is unique. Do not rely on information in this newsletter to make decisions without consulting with an attorney. You may copy and distribute this newsletter only in its entirety.

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Failed Design: Patients with Stryker Hip Implants Will Require Replacement Surgery

BY: DUSTIN B. HERMAN, ESQ.



Our firm is representing individuals who had a hip replacement surgery between 2009 and 2012 and were implanted with a Stryker Rejuvenate or ABG-II prosthetic hip. Stryker recalled these two devices in 2012 and entered into a large settlement with thousands of people who have already had a revision surgery. However, over 20,000 people were implanted with one of these devices between 2009 and 2012 - 100% of which are going to fail - meaning that there are thousands more implant patients who were not included in that settlement and still have not been compensated.

The Stryker Rejuvenate and ABG-II hips were marketed as a new technology, using a two-piece stem (called a "modular stem"). The selling point was that the pieces would come in different shapes and sizes, so the surgeon could better conform the implant to the patient's anatomy. The problem, however, is that metal Stryker used corrodes inside the

body and metal debris is released into the bloodstream and surrounding tissues, killing the tissues, and leading to the formation of pseudotumors.

When people receive a hip replacement, most of them do not know what kind of implant the doctor used. Thousands of people are still out there with one of these defective Stryker hips inside of them, and they may not find out until significant damage is already done. Patients can call their doctor or hospital to find out what kind of hip they received, and if they did receive one of these defective Stryker hips, they can have their blood tested for Cobalt and Chromium to determine if this corrosion is occurring.

If you or a loved one had a hip replacement between 2009 and 2012 and believe that a Stryker hip was used and you want to explore your legal rights, contact our office at (877) 696-3303.



September is National Baby Safety Month

In honor of National Baby Safety Month, we want to help spread awareness about ways to reduce the risk of Sudden Infant Death Syndrome (also known as SIDS). SIDS is “the sudden and unexplained death of an infant who is younger than one year old.” (KidsHealth, 2015). Each year, approximately 4,000 infant deaths occur from SIDS, accidental suffocation, or other unknown causes. (Safe to Sleep, 2015)

Here are some tips for providing babies with a safe sleep environment:

- Always lay your baby on its back to sleep. Studies suggest that babies who sleep on their stomach take in less oxygen.
- A firm mattress topped with a fitted sheet is the safest choice. This helps prevent your infant from becoming tangled up in bedding within the crib area.
- Do not leave any soft objects in the crib with your child. Soft objects increase the risk of SIDS. This includes bumper pads, blankets, pillows, and stuffed toys. If a bumper pad is a must, stick to a mesh “breathable” kind.
- Dress your infant in a onesie, sleeper, or sleep sack for warmth instead of using blankets. This prevents them from becoming entangled in bedding.
- Keep your baby’s room temperature between 68 and 72 degrees. This is a comfortable temperature for your infant that is warm enough but will not cause overheating.
- Avoid the use of positioners. Products that claim to reduce the risk of SIDS pose such a threat that the U.S. Food and Drug Administration and the Consumer Product Safety Commission both issued warnings advising against their use.
- Monitor and check in on your baby.
- Check to make sure that your crib and other products meet federal safety standards. Learn more at: www.cpsc.gov/en/Safety-Education/Safety-Guides/Kids-and-Babies/Cribs.

Attorney appointed to the Federal Bar Association Board

Spangenberg attorney Jeremy A. Tor has been appointed to the Board of Federal Bar Association, Northern District of Ohio Chapter. This is an exciting time for the Chapter, as Cleveland will host the annual Federal Bar Association National Convention in September 2016. Jeremy will sit on the National Convention Committee, which will be planning the Convention. This will be a great opportunity not only to highlight the activities of the Northern District of Ohio Chapter, but also, to showcase Cleveland to Convention attendees from around the country. Jeremy has also been appointed Co-Chair of the Federal Bar Association’s Law Clerk Committee.

Spangenberg Law Firm Takes on Leadership Role

The Spangenberg Law Firm has been selected to serve on the leadership team in the multi-district litigation case (known as an “MDL”) involving the blood pressure medication Benicar, an angiotensin II receptor blocker (ARB) manufactured by Daiichi Sankyo and co-marketed by Forest Laboratories.

The firm’s Managing Partner, Peter H. Weinberger, has been assigned by the Judge to assist in leading the litigation as a member of the Plaintiffs’ Executive Committee. In addition, Mr. Weinberger serves as co-chair of the Discovery Committee. The Spangenberg Law Firm litigation team for the Benicar MDL also includes partner Peter J. Brodhead and associate Jeremy Tor.

As part of the leadership team in the Benicar multi-district litigation, Mr. Weinberger is working closely with outstanding attorneys from around the country to oversee all activity in the lawsuit and to protect the rights of those who have filed lawsuits for injuries linked to Benicar. Thousands of patients have suffered severe gastrointestinal injuries - many requiring hospitalization - after taking Benicar. Commenting on his appointment, Mr. Weinberger said, “I am honored to have been selected to such a prestigious team of attorneys and to have the opportunity to help people who have been harmed by Benicar use. I look forward to achieving a positive outcome on their behalf.”



ASK AN ATTORNEY

Jeremy A. Tor, Esq.



Here’s a question I’m often asked: “I had surgery a while back and I’ve never recovered. I believe there were many errors made during the procedure and I’m not really sure what to do. I’m considering pursuing a lawsuit but don’t want to rush into things. How soon should I contact a lawyer?”

The answer is: Promptly.

Your lawyer will normally want to review your medical records and consult with a medical expert before making a determination about whether to recommend that you file a medical malpractice lawsuit.

It takes quite a bit of time to gather all of the relevant medical records and additional time is needed for an expert to review them. All the while, the clock for what is known as the “statute of limitations” is ticking. A statute of limitations is the deadline by which you must file a lawsuit, or else you lose the right to file it. In Ohio, the statute of limitations for medical malpractice cases is just one year (though there may be exceptions depending on the facts).

Given the careful review and analysis the lawyer and experts must complete before deciding whether your bad surgical outcome was caused by substandard medical care and warrants a malpractice lawsuit, this is not a lot of time. So it is important to contact a lawyer as soon as possible to preserve your right to file a lawsuit.

SPANGENBERG LAW FIRM

Spangenberg Shibley & Liber LLP
1001 Lakeside Avenue East, Suite 1700
Cleveland, Ohio 44114

877.976.7834 ssl@spanglaw.com
www.SpangLaw.com

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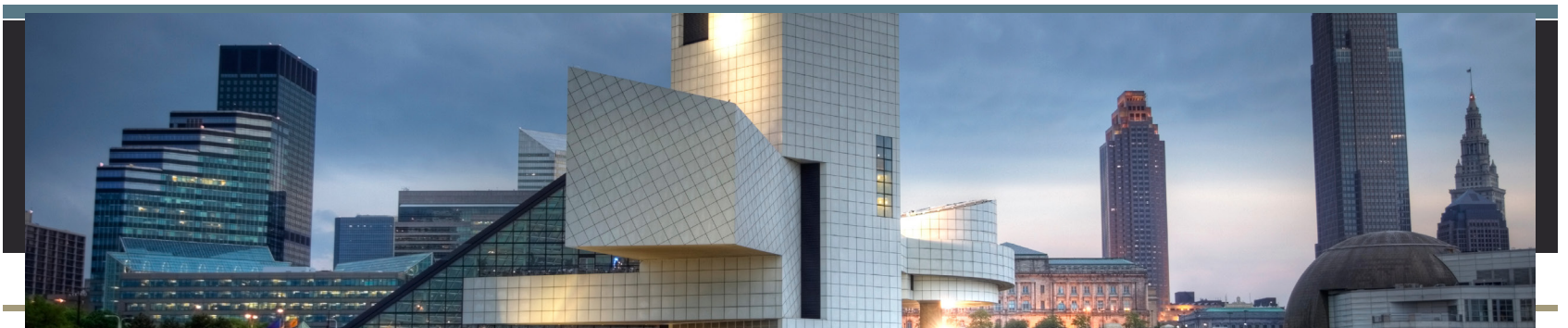
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A referral from a client or friend is the greatest compliment our firm can receive. We are grateful for every one of these gestures and for the confidence you place in us by doing so. From all of us at Spangenberg Shibley & Liber, we express our sincere appreciation. Thank you!

SPANGENBERG WELCOMES NEW ATTORNEY: DUSTIN B. HERMAN

We are pleased to announce that attorney Dustin Herman has joined our firm as an associate. Prior to joining the Spangenberg Team, Dustin was an attorney in West Palm Beach, Florida. Dustin's practice has focused on pharmaceutical and medical device litigation and catastrophic injury cases. Dustin has lectured across the country on various legal topics and is the author of several publications. He was selected as one of the National Trial Lawyers Association's "Top 100 Trial



Lawyers" for South Florida in 2014 and named a 2015 Rising Star by Super Lawyers.

Dustin and his wife, Dana, recently moved to Ohio so they could be close to Dana's family. A graduate of the University of Florida and a life-long Gator fan, Dustin has made the transition to his adopted new hometown of Cleveland and is looking forward to rooting for the Browns, Cavs, and The Tribe.

We welcome Dustin and Dana!