Update on Exactech Hip and Knee Implant recall

Litigation against Gainesville, Florida-based Exactech, Inc., is in full swing. Cases result from widespread recall of tens of thousands of Exactech hip, knee, and ankle prosthetic devices. Typically referred to as hip, knee, and ankle replacements, patients who underwent these procedures are potentially suffering from tissue and bone death because of the polyethylene – "poly" – component parts of these devices.

Polyethylene has been used extensively in orthopedic implants since the 1960s. It has been widely studied, modified, and refined over the years. Modern poly for the most part is bullet-proof and has been so since the 1990s. There is no excuse given the state of modern science for a device manufacturer to produce an implant that does not have poly components that last for the devices' lifetime. Historically, problems associated with poly wear led to the advances mentioned above. Poly in hips, knees, and ankles acts to replace the patient's normal cartilage and serves as the bearing surface between metal components. As the metal components slide against the poly, wear is generated. Since 1990, patented manufacturing techniques have existed to eliminate poly wear concerns.

How did Exactech get in this mess? The answer is simple. For unknown reasons, Exactech chose to utilize 1980s technology in the design and manufacturing process for its polyethylene components. In addition, it was disclosed in Exactech's recall of its hip, knee, and ankle products that for almost 20 years, its products had been packaged for sale out of specification.

What does that mean for consumers? Using old technology resulted in poly that was full of free radicals. Free radicals can be found everywhere. Apples turn brown when free radicals in the fruit are exposed to oxygen. Iron rusts when the free radicals contained in the metal are exposed to oxygen. When orthopedic plastics contain free radicals, they oxidize when exposed to oxygen. When Exactech's substandard poly was stored in out-of-spec packages, it started oxidizing before it was ever put in the patient. Once implanted, poly is exposed to about one-third of the oxygen it would be exposed to sitting on a shelf. Exactech's poly continued to oxidize at an accelerated rate in the patient.

Since the late 1980s, scientists have been aware that the presence of free radicals in orthopedic poly can lead to oxidation both in the packaging and after implantation in the body. Several commercially available and scientifically sound methods were developed to eliminate free radicals from the surface of the polyethylene components and to store them in an oxygen-free package. Every major manufacturer of orthopedic poly uses one or more of those methods to ensure its poly does not oxidize. That is, except Exactech.

Why is oxidation bad? When orthopedic poly oxidizes it releases polyethylene into the soft tissues and bone surrounding the implant. The orthopedic community has known since the 1960s that poly wear can lead to serious bone and soft tissue death. Many recipients of Exactech hips, knees, and ankles have suffered bone and soft tissue death leading to complex, premature, unnecessary revision surgeries.

Searcy Denney partner **Cal Warriner** is leading the firm's efforts in the Exactech litigation. In December 2022, the New York federal judge overseeing the Exactech Multidistrict Litigation docket, Judge Nicholas Garaufis, appointed Mr. Warriner to serve on the Plaintiffs' Executive Committee. Mr. Warriner also serves as co-lead counsel in Florida's state court coordination currently pending in Alachua County. Searcy Denney has valuable information regarding this litigation and already represents hundreds of Exactech victims. ◆

Searcy Denney has "A Supreme Evening"

Searcy Denney was a Platinum sponsor of the Florida Supreme Court Historical Society's Annual Dinner in Tallahassee. The event features the Justices as well as Judges and bar members from around the State. ◆

(l–r) Searcy Denney Attorneys Brian Denney, Greg Barnhart, Sia Baker-Barnes, Carter Scott, Cam Kennedy and Laurie Briggs.