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**APPEAL COURT UPHOLDS ZIMMER DUROM
CUP HIP IMPLANT CLASS ACTION**

VANCOUVER, January 21, 2013 – Today, the British Columbia Court of Appeal upheld certification of the Zimmer Durom Cup hip implant class action. Approximately 5,000 Durom acetabular hip implants or “Durom Cups” were sold in Canada between 2005 and 2011. So far, more than 60 Canadians have come forward to participate in the national class action.

The class action is brought on behalf of all people who were implanted with the Durom Cup in Canada. Gwen Wilkinson, the representative plaintiff, reacted to the dismissed appeal, remarking that “after a long delay... it makes me feel really happy that it’s going to speed things along.” Ms. Wilkinson is hopeful that “the implant never gets put out on the market ever again to have other people go through what I did.”

The Durom Cup is an artificial device used in hip replacement surgery, alleged to have failed to adhere to patients’ hip bones, causing pain, discomfort and, in many cases, the need for additional hip replacement surgeries. The lawsuit alleges that Zimmer was negligent in the development and manufacture of the Durom Cup.

Ms. Wilkinson, a 53-year-old nurse who lives in Osoyoos, BC, was looking forward to retirement when she was implanted with her Durom Cup in 2008. Within months of receiving the implant, she started to experience increasing pain, associated with a feeling and sound of clicking in her left hip; she describes it as feeling like her hip was going to “pop out”. The pressure and pain on her left hip became worse over the ensuing months, leading Ms. Wilkinson to resort to a cane and narcotic pain relievers. The lawsuit alleges that, as a result, Ms. Wilkinson had to undergo otherwise needless surgeries to correct for the failure of her Durom Cup. She laments that “having to take time off every time I had to have a hip surgery has put me further and further behind. I was a single mom just trying to raise my son and it wasn’t very fair for a 16-year-old having to look out for me each time I had to go for hip surgery.” After undergoing a number of surgeries to repair her hip, Ms. Wilkinson is hopeful: “I can get back to work.... I want to be pain free.”

In mid-2008, Zimmer suspended American sales of the Durom Cup following reports of product failures in patients. A European safety notification followed in late-2009. More than a year passed after suspending sales in the United States before Zimmer issued a safety notification in Canada and Health Canada published a recall.

In today’s ruling, the Court of Appeal unanimously dismissed the appeal brought by Zimmer GMBH, Zimmer, Inc., and Zimmer of Canada Limited, finding that a lower court judge appropriately certified the lawsuit as a class action. Details of the Court’s decision is on the [Klein Lyons Zimmer website](#).

Last year, the Ontario Superior Court of Justice held that an Ontario Zimmer Durom hip implant class action should move forward in tandem with this national-scope class action being litigated in British Columbia. The plaintiffs in both lawsuits are represented by the law firm Klein Lyons of Vancouver and Toronto.

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