

INFUSE INQUIRER

Volume 1

Attorney-Client Confidential Communication

Fall 2012

Introduction

Welcome to the first Branch Law Firm Infuse Inquirer. This newsletter will be one of many sent to you in order to inform you of the status of your case as well as the litigation as a whole.

Review Process

Before the Branch Law Firm can represent your rights against Medtronic, we must confirm that Medtronic Infuse was actually used during the surgery. In order to determine the use of Infuse, we must order, obtain, and review your Operative Report from the fusion surgery in question. Although the majority of Operative Reports clearly indicate that Infuse was used in a non-approved method, there are instances in which we must order additional records to confirm Infuse use. The next step is to order, obtain, and review your records related to the injuries suffered due to the Infuse placement. Injuries could be inflammation, swelling, ectopic bone growth, cystic growth, and/or cancer. Once the injuries are confirmed as caused by the Infuse product, we obtain all other necessary records to prove all the damages in the case, such as medical expenses incurred, lost wages due to injuries, etc. Unfortunately, the records ordering process is lengthy for several reasons. First, each facility across the nation has its own protocol as to how records requests should be handled. This prohibits us from ordering in a uniform manner and thus incurs more time. Second, one of the last priorities that medical facilities have is to copy records and mail them out; therefore, such requests for copies are placed on the back burner. Finally, we must also pay for these records before the facility will send us the copy. The problem is that we do not know how much to pay the facility until we receive an invoice from them. As you can see, the ordering process is probably the most time consuming portion of the entire case, however, it is crucial that we complete it.

Operative Reports

As indicated in the Review Process section, we must obtain your fusion surgery Operative Report in order to determine whether Medtronic Infuse was used during your surgery. If you have obtained your Operative Report and have already sent in to us – thank you for your help. If you have told our office that you are unable to obtain your Operative Report, then we have ordered, or are in the process of ordering, your Operative Report ourselves. If you have not sent in your Operative Report or have not told our office that you need us to obtain it for you – nothing is currently happening on your case. Please call or email us to inform us about the status of your Operative Report immediately!

CT Scans and MRIs

The majority of orthopedic surgeons who are treating patients do not necessarily understand or know the full extent of the damage Medtronic Infuse can cause your body. One of the few ways to prove that Medtronic Infuse has caused your injuries is to obtain a CT Scan and/or MRI after your fusion surgery. If you have not yet had either of these tests performed on you since you underwent fusion surgery with Medtronic Infuse, it is imperative that you do so as soon as possible. Once performed, please contact us by telephone or email and inform us where and when the test was conducted, so that we may order the relevant records. If you have records or CDs of these tests in your possession, please make sure you send us a copy!

New Information

It is imperative to inform us if you have been treated by a new physician, clinic, or hospital related to the injuries you have suffered due to Infuse. This allows us to obtain records from these facilities and present your case in its complete form. Please contact us by telephone or e-mail and update us!

BRANCH LAW FIRM

In Albuquerque 800-828-4529

In Houston 800-243-3545

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Phone Calls

We fully understand each and every one of our client's positions and feelings about their individual case. We understand that your case is immensely important to you considering the Medtronic Infuse product has severely affected your life. We also agree that we need to know as much as we can about you, your life, and your injuries so that we can present your case to its fullest to Medtronic and/or the judge and the jury. Considering we are on the same page as all our clients, our office is unfortunately being inundated with phone calls from all our clients. We appreciate the new information and conversations (and are happy to talk!), however, we are unable to conduct other work on your case if we are speaking on the phone. We suggest that you limit phone calls to only absolute pertinent new information and send us e-mails or letters for other new information. This will help us prioritize our work tremendously so that we can fully litigate your case efficiently.

U.S. Senate Investigation

On October 25, 2012, the U.S. Senate Committee on Finance released the results of its 16-month investigation into Medtronic and the company's influence on Infuse clinical studies.

The Senate Committee reviewed thousands of documents produced by Medtronic and concluded that Medtronic (1) paid physicians who wrote Infuse clinical study reports; (2) was substantially involved in producing journal articles authored by the company's physician consultants; (3) recommended omitting discussion of adverse events possibly associated with the product in a 2005 publication; (4) recommended physician authors emphasized pain in alternative treatments; (5) downplayed cervical spine side effects in a 2006 publication; (6) omitted retrograde ejaculation rates in investigative patient groups; (7) wrote responses for physician authors to peer-review comments about bias; and (8) wrote the testimony for an "independent" physician who presented to the FDA application committee on Infuse (that physician is now a VP at Medtronic).

The comprehensive report supports our allegations that Medtronic committed violations of federal and state law when promoting Infuse; however, it does not confirm our case. This is simply one piece to the puzzle and we are continuing to evaluate the report and its data.

The complete report can be found here:
<http://www.finance.senate.gov/newsroom/chairman/release/?id=b1d112cb-230f-4c2e-ae55-13550074fe86>

Contact Information

If any of your phone numbers or addresses change, it is imperative that you contact us immediately. The best way to contact us is by e-mail at infuse@branchlawfirm.com.

If you have any questions or concerns, please do not hesitate to contact any one of our Infuse Team members at 800-828-4529 or at the email address above.

Sincerely,

Turner W. Branch, Esq.
Margaret Moses Branch, Esq.



and the Infuse Team

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