

# ***INFUSE INQUIRER***

Volume 2

Attorney-Client Confidential Communication

Winter 2012

## **Introduction**

---

Happy Holidays from the Branch Law Firm! We hope this newsletter finds you and yours well. This is the second Branch Law Firm Infuse Inquirer. Please review it for a general update on the Medtronic Infuse litigation.

## **Litigation Update**

---

As you may or may not already know, the Branch Law Firm discussed possible early resolution of Infuse cases with Medtronic. This meant that our clients' claims would not be litigated in court, but rather mediated by an independent third party and hopefully settled. Unfortunately, these discussions were unsuccessful and the Branch Law Firm is taking steps to proceed with litigation (filing your lawsuit in court).

Where to file our clients' lawsuit is an important decision that we have not yet made. Several factors are considered, including, but not limited to, the type of judge, the makeup of the jury pool, and the procedural laws of the state. We are currently researching and evaluating several jurisdictions before we make a decision. Once the decision is made, we will certainly inform you.

## **Medical Malpractice Lawsuits**

---

It is of the utmost importance that you know that the Branch Law Firm and the other law firm(s) working on your Medtronic Infuse case **are not handling a medical malpractice case against your surgeon and/or hospital**. Should you desire to pursue such a claim, we suggest you find a local attorney in your area that handles medical malpractice claims. In addition, we also would like to speak to you about pursuing such a claim and how it will affect your claims against Medtronic. Therefore, before you contact another attorney, please call us to discuss!

## **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!

Additionally, any prior infuse surgery imaging reports and scans/films must be obtained. For example, any CT scans, MRIs or X-rays that were performed on your back or neck prior to your infuse surgery need to be obtained. If you have not already provided the name of the facility that performed the imaging prior to your surgery, please let us know the name of that facility immediately via email or telephone. If contact us and reach a voice mail, PLEASE LEAVE A DETAILED MESSAGE WITH THE NAME AND ADDRESS OF THE FACILITY. If you have these pre-infuse reports/scans in your possession, and you have not already sent them to us, please do so immediately. Thank you!

## **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!

## **Death of Client**

---

Should you receive this newsletter addressed to our client who has recently passed away, please call us immediately. The law has specific protocols we must follow in order to pursue a claim for wrongful death. We will discuss the next steps that will be taken to preserve the claims against Medtronic during that call.

# **BRANCH LAW FIRM**

---

In Albuquerque 800-828-4529

In Houston 800-243-3545

## **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.

## **Infuse Team Member Spotlight**

Adam T. Funk graduated from the University of Texas in Austin in 2004 with a degree in Business Administration. After graduating college in only three years with honors, Mr. Funk worked for an Austin law firm specializing in personal injury and product liability. The work experience in Austin helped Mr. Funk understand his true calling in life – helping those in need through this nation's great civil justice system. Soon thereafter, Mr. Funk enrolled at the University of Houston Law Center. While in law school, Mr. Funk was a member of the Mock Trial Team and the Moot Court Team and competed in numerous tournaments across the nation. On several occasions, Mr. Funk was awarded Best Speaker in the tournament. In addition, Adam was also awarded the Order of the Barristers by the Law School – a rarely-given honor bestowed upon students who have excelled in trial advocacy.



Over the course of his legal career Mr. Funk has represented many clients injured by defective pharmaceutical drugs and medical devices. He joined the Branch Law Firm in its downtown Houston office in 2011.

In his spare time, Adam enjoys spending time on his family ranch, cooking with his wife Caroline, reading, and running.

## **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](mailto: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**

Adam Funk, Esq.  
[afunk@branchlawfirm.com](mailto:afunk@branchlawfirm.com)  
Rebecca, Sarah, Rachael, Michele, and Shelly  
[infuse@branchlawfirm.com](mailto:infuse@branchlawfirm.com)

# **BRANCH LAW FIRM**

**In Albuquerque 800-828-4529**

**In Houston 800-243-3545**