For Immediate Release

Gerard Malouf & Partners

Class Action Against Exactech in Federal Court of Australia

- Gerard Malouf & Partners commenced a representative proceeding in the Federal Court of Australia against Exactech Australia Pty Ltd ACN 146 150 754 (Exactech Australia) and Exactech Incorporated (Exactech US).
- The claim alleges that Exactech joint replacement components were compromised due to defective packaging and inadequate sealing, leading to premature implant failure and increased revision surgeries.
- Affected individuals have experienced health issues such as chronic inflammation, tissue and bone necrosis, severe pain, and multiple surgeries, resulting in significant losses.
- The lawsuit seeks remedies under Australian Consumer Law for failing to meet quality standards, misleading conduct, and liability for safety defects.

September 5th Gerard Malouf & Partners commenced a representative proceeding in the Federal Court of Australia against Exactech Australia Pty Ltd ACN 146 150 754 (Exactech Australia) and Exactech Incorporated (Exactech US).

The claim alleges that the Exactech joint replacement components were exposed to oxidisation via defective packaging which caused the components to fail within the body far earlier than represented by Exactech. The claim also alleges the post-production thermal process which sealed the components of the implants was not completed in accordance with industry standards.

The claim also alleges that there is an abnormal risk of patients requiring revision surgery for these implants.

These implants were the subject of a recall by the Australian Therapeutic Goods Administration on 27 October 2021.

Because of the alleged defects in the packaging and process of sealing the implants, many group members have suffered some or all of the following:

i. an adverse reaction to particle debris (ARPD) comprising one or more or all of:
ii. chronic inflammation of the periprosthetic tissue;
iii. soft tissue necrosis;
iv. bone necrosis or osteolysis;
v. formation of pseudotumours; and
vi. formation of granulomas;
vii. loosening of one or more of the components of the Joint Devices;
viii. osteolysis.
ix. damage to modular components of the Joint Devices;
x. severe pain;
xi. infection;

xii. re-operation;
xiii. scarring;
xiv. chronic swelling;
xv. loss of movement in affected joint;
xvi. one or more revision surgeries;
xvii. mental harm;
xviii. economic loss; and
xix. non-economic losses;
xx. anguish, distress and disappointment because of the Affected Device's propensity to cause the Personal Injury Consequences; and/or
xxi. 'out of pocket' pecuniary loss;

Lead applicant Simon Harrold received his Exactech knee implant in March 2019 at the age of 52. By October 2023, he experienced persistent knee swelling and a "clunking" sensation when moving his knee. In November 2023, he required revision surgery to replace the Exactech implant and continues to suffer from pain, intermittent swelling, and other pathology in relation to his knee.

Gerard Malouf & Partners are seeking remedies for group members under the Australian Consumer law for:

1. failure to supply goods that satisfied the Australian Consumer Law statutory guarantee as to 'acceptable quality' in contravention of section 54 of the Australian Consumer Law,
2. failure to supply goods that satisfied the Australian Consumer Law statutory guarantee as to 'fitness for any disclosed purpose' in contravention of section 55 of the Australian Consumer Law;
3. Conduct in contravention of one or more of sections of the Australian Consumer Law 18, 29(1)(a), 29(1)(g) and 33 of relating to misleading and deceptive conduct and misrepresentations.
4. liability for safety defects in the implants pursuant to the Australian Consumer Law.

Speaking on the case, **Chairman of GMP Law, Gerard Malouf** commented, "When patients undergo procedures like knee, hip, or shoulder replacements, they place immense trust in the manufacturers to provide durable, safe, and effective products. The allegations against Exactech suggest a serious breach of this trust. This raises significant concerns about the quality control and safety standards within the medical device industry. Companies must be held accountable for ensuring their products meet the highest standards of safety and effectiveness."

Anyone who received an Exactech knee, hip or shoulder replacement after 1 January 2003 should contact Gerard Malouf & Partners and register for this class action. For more information on GMP Law or to join the class action, visit www.exactechclaim.com.au.

Notes to Editor:

For more information on this story or to speak with the lead plaintiff and someone from GMP Law, please contact: marketing@gmp.net.au

Costs

There is no risk or no cost in being registered with GMP's class actions. GMP proposes to bring the class action on a 'No Win-No Fee' basis. This means GMP will not charge any professional legal fees or out-of-pocket expenses until the matter is successful.

About GMP Law

GMP Law has 35 years of experience in handling thousands of complex product liability and medical negligence cases and has recovered more than $4 billion for its clients in both legal victories and settlements. In the Doyle's Guide, GMP and its lawyers were recommended in the category of one of the leading medical negligence compensation law firms and lawyers in 2023. GMP Law and its team of accredited, specialist personal injury lawyers are committed to protecting the rights and interests of consumers who have been harmed by defective medical devices.

For more information, visit www.gerardmaloufpartners.com.au