

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

IN RE: ZIMMER DUROM HIP CUP
PRODUCTS LIABILITY LITIGATION

:
: Master Docket No. 09-4414(SDW)(MCA)
: MDL No. 2158

This document relates to:

TRACY PELPHREY and JOHN
PELPHREY, her husband,

: Civil Action No. 2:14-cv-3162

v.

ZIMMER HOLDINGS, INC., et al.,

**JOHN AND TRACY PELPHREY'S NOTICE OF FILING 09/15/2015
LETTER TO WENDY FLEISHMAN IN SUPPORT OF THEIR
MOTION TO WAIVE CONTRIBUTION TO COMMON BENEFIT FUND**

The Plaintiffs, TRACY PELPHREY and JOHN PELPHREY, through their attorneys, Frost Van den Boom, P.A., notice the filing of the letter to Wendy Fleishman, Plaintiffs' Co-Liaison Counsel, dated September 15, 2015 in support of their Motion to Waive Contribution to Common Benefit Fund (D.E. 822).

FROST VAN DEN BOOM, P.A.

By: s/Peter W. Van den Boom_____
John W. Frost, II, B.C.S.
Florida Bar No. 114877
Peter W. van den Boom, B.C.S.
Florida Bar No. 143601
Post Office Box 2188
Bartow, FL 33831-2188
Telephone: (863) 533-0314
Facsimile: (863) 533-8985
Email: jfrost1985@aol.com
Email: pwboom@aol.com
Email: wcarter@fvdbl.com

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

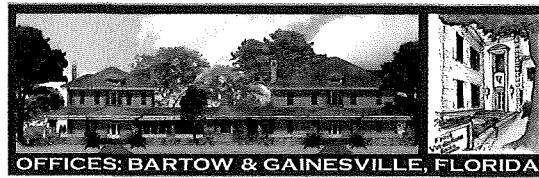
I HEREBY CERTIFY that the foregoing Notice o Filing was filed electronically this 4th day of March 2016. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. The parties may access this filing through the Court's system.

FROST VAN DEN BOOM, P.A.

By: s/Peter W. Van den Boom_____

John W. Frost, II, B.C.S.
Florida Bar No. 114877
Peter W. van den Boom, B.C.S.
Florida Bar No. 143601
Post Office Box 2188
Bartow, FL 33831-2188
Telephone: (863) 533-0314
Facsimile: (863) 533-8985
Email: jfrost1985@aol.com
Email: pwboom@aol.com
Email: wcarter@fvdbl.com

ATTORNEYS FOR PLAINTIFFS



Frost Van den Boom

PROFESSIONAL ASSOCIATION

John W. Frost II*†
John N. Kessenich
Krista Mahalak
Saray Noda
Bradford L. "Brad" Stewart
Peter W. van den Boom*
Lydia S. Zbrzezny
Nicholas T. Zbrzezny

*Board Certified Specialist in
Civil Trial Law

†Board Certified Specialist in
Business Litigation

Please reply to:
Bartow

September 15, 2015

Via Email: wfleishman@lchb.com
Wendy R. Fleishman, Esq.
Lieff, Cabraser, Heimann & Bernstein
250 Hudson Street, 8th Floor
New York, NY 10013

Re: Tracy Pelphrey and John Pelphrey v. Zimmer Holdings, Inc., et al.
USDC, District of New Jersey Civil Action No. 2:14-cv-3162
In Re: Zimmer Durom Hip Cut Products Liability Litigation
MDL No. 2158

Dear Wendy:

After attending the telephone conference yesterday I wanted to write to you, giving you specific facts about my client's case and asking your opinion on what you think a settlement value would be based upon the other cases in this lawsuit. What are other cases settling for? Would you please review the following facts and at your convenience I would appreciate a telephone conference with you. In other MDL cases where I have had only a few clients the liaisons have been very helpful in evaluating settlement values of cases. My assistant can take care of all of the details of the telephone conference.

Case Facts

My client does not fit into the typical picture of a patient who has undergone hip replacement surgery. At the time of her initial surgery she was extremely active, playing tennis four days a week, she had two children ages seven and ten years old and was only thirty-eight years old herself. In 1986, when she was seventeen years old she was involved in an automobile accident in which she was in a car that was struck by a drunk driver. She sustained a left femoral neck fracture. She had 4 screws placed in the hip. One year later, the screws were removed. The accident left her left leg a little bit shorter than the right, but for the most part, she felt like she had

Bartow:

Post Office Box 2188
Bartow, FL 33831-2188

395 South Central Avenue
Bartow, FL 33830
Phone: (863) 533-0314
Fax: (863) 533-8985

Gainesville:

106 NW 2nd Avenue,
Gainesville, FL 32601
Phone: (352) 519-5551
Fax: (352) 519-5313

Toll Free: (800) 533-0967
www.fvdblaw.com

Wendy R. Fleishman, Esq.
Re: Tracy Pelphrey
September 15, 2015
Page 2

a normal hip and was able to be very active. Around 2002 Ms. Pelphrey started playing tennis and quickly became an avid tennis player. Since about 2000, Ms. Pelphrey's hip started to become increasingly symptomatic. She was hospitalized on two occasions because she was unable to bear weight on her hip. She had her hip aspirated and injected. The hip pain became fairly unbearable and limited her activities and affected her sleep.

In 2007 Ms. Pelphrey was diagnosed with advanced posttraumatic osteoarthritis of the left hip and opted to undergo left total hip replacement surgery. Ms. Pelphrey's husband, John Pelphrey was the head basketball coach at the University of Arkansas. The team doctor recommended that Ms. Pelphrey consult Dr. William F. Hefley, Jr., Board Certified physician in Orthopedic Surgery. The On August 10, 2007 Ms. Pelphrey had a metal-on-metal hip articulation implanted by William F. Hefley, Jr., M.D. at the Arkansas Surgical Hospital. For approximately three years after her initial surgery my client did very well and resumed her active lifestyle. Unfortunately for the next three years she started developing episodes of fairly global pain in her left hip. These episodes became more frequent until about mid 2013 when the pain became essentially continuous. The pain can best be described as a combination of left hip trochanteric bursitis as well as adductor tendinitis and a continuous aching deep in her hip area. She described her quality of life becoming unbearable with a daily pain level of 5/10.

Ms. Pelphrey consulted Dr. Richard Vlasak at the University of Florida Orthopedics. Ms. Pelphrey was seeing a doctor in Florida because her husband had moved to be the assistant coach to Billy Donovan at the University of Florida. Dr. Vlasak told her that she would need a revision left hip replacement and he advised her to receive a cross-link polyethylene with a ceramic head. The surgery was performed by Dr. Vlasak at Shands Hospital in Gainesville, Florida on February 10, 2014. The Zimmer DROM hip which was removed had considerable corrosion and darkened debris. Dr. Vlasak noted that Ms. Pelphrey was missing considerable bone from the posterior superior wall, so that left a good bit of the acetabulum uncovered so he used two 6.5 mm screws.

Right after the surgery Ms. Pelphrey had complications because the new device kept popping out of the socket due to the amount of scar tissue in the hip. It popped out twice and after it had to be re-inserted the third time, she was placed into a spica cast (body cast). She was in the cast for 4 weeks, then a brace for approximately six weeks.

During one of Ms. Pelphrey's follow up appointments, Dr. Vlasak noted his findings during Ms. Pelphrey's revision hip replacement: "Bottom line is I feel at least a good percentage of her pain was related to metal on metal reaction from the Durom components. She had considerable amount of corrosion in her mortis junctions. This would certainly be considered a large amount of corrosion compared to other modular components. She had considerable amounts of hemosiderin staining throughout the joint. She did not have any

Wendy R. Fleishman, Esq.
Re: Tracy Pelphrey
September 15, 2015
Page 3

muscle pseudocyst, but her soft tissues were thin and weak, particularly anteriorly, which I think is contributing to the early dislocation.”

On May 1, 2014, three months after Ms. Pelphrey’s revision surgery, Dr. Vlasak removed her brace and instructed her that she could resume her daily activities, such as weight strengthening, including squats and playing tennis, restricting her to non-competitive tennis playing. Fortunately my client has continued to improve and today is pain free and still playing tennis.

Thank you for your time and please call my office or email my assistant Wini at wcarter@fvdbl.com to schedule a telephone conference at your convenience.

Sincerely,

FROST VAN DEN BOOM, P.A.

A handwritten signature in black ink, appearing to read "Peter W. van den Boom", enclosed within a large, hand-drawn oval scribble.

Peter W. van den Boom, B.C.S.

PWV/mac