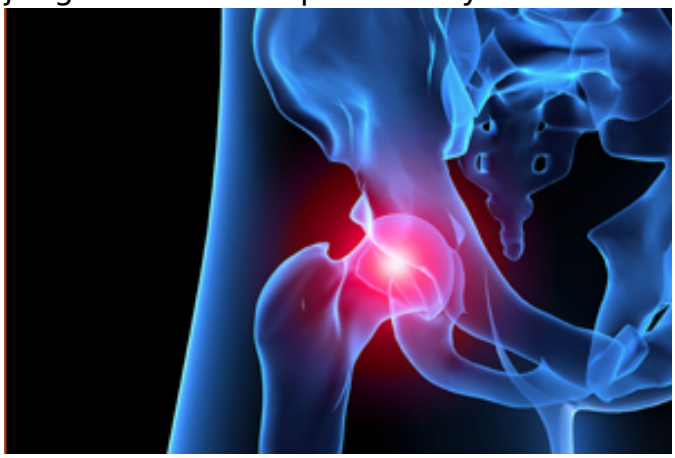
Will a 2-year statute of limitations defense curb J&J's DePuy hip lawsuits?

Mass Device

Johnson & Johnson's DePuy subsidiary may see some relief from the ever-accumulating lawsuits over recalled metal-on-metal hip implants if states and judges decide to uphold a 2-year statute of limitations on filed claims.



Patients may be out of time to file lawsuits against Johnson & Johnson [1] (NYSE:JNJ [2]) subsidiary DePuy Orthopaedics' recalled metal-on-metal hip implants, with the 2-year anniversary of the recall passing over the weekend.

Although no judges have ordered a halt and rules vary by state, lawyers representing patients warned that DePuy's representatives may argue for a 2-year statute of limitations, cutting off any new claims.

"While the statute of limitations period for each DePuy ASR hip recall lawsuit depends on the state where the surgery took place as well as the circumstances of the injury, many states have a statute of limitations period of 2 years," according to the law firm of Bernstein Liebhard LLP. "Although no court has ruled on this issue with regard to the DePuy ASR hip recall lawsuits, it is possible that DePuy's lawyers may argue that the 2 year window to file a lawsuit started on August 26, 2010 – the date of the recall."

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