

# Medtronic can't dodge pain pump lawsuit

Mass Device

A 9th Circuit Court of Appeals overturns a lower court's ruling, reviving a lawsuit accusing medical device giant Medtronic of negligence and liability for an implantable pain pump that allegedly left a patient with permanent paralysis.



Medical device giant [Medtronic](#) [1] (NYSE:[MDT](#) [2]) lost a 9th Circuit Court of Appeals hearing, with a panel of judges ruling unanimously that a case against the medical device giant and its implantable pain pumps may proceed.

The case had been thrown out of court earlier this year when a federal judge dismissed the case on grounds of preemption, which holds that patients can't sue medical device makers in state courts over products that went through the FDA's most stringent review process, called pre-market approval.

The 9th Circuit's 3-judge panel this week decided that plaintiff Richard Stengel, who had the pump implanted into his abdomen in 2000, could proceed with his negligence claims against Medtronic, [Thomson Reuters](#) [3] reported.

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### Links:

[1] <http://www.massdevice.com/company/medtronic>

[2] <http://www.google.com/finance?q=mdt>

[3] [http://newsandinsight.thomsonreuters.com/California/News/2013/01\\_-\\_January/9th\\_Circuit\\_revives\\_Medtronic\\_pain\\_pump\\_suit/](http://newsandinsight.thomsonreuters.com/California/News/2013/01_-_January/9th_Circuit_revives_Medtronic_pain_pump_suit/)