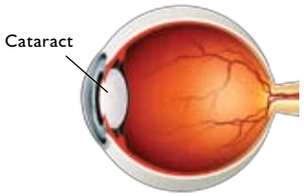

THE EYES HAVE IT.
HOSSLEY EMBRY
Attorneys and Counselors

Routine Surgery Becomes Preventable Tragedy.

Bill was nervous about his upcoming cataract surgery. He had enjoyed excellent vision his entire life and was frustrated by the blurry vision associated with a cataract. His doctor assured him that the surgery would be very routine. Neither Bill nor his doctor knew that while he was being prepped for surgery, the FDA was preparing an Emergency Recall Notice regarding a product known as Healon D manufactured by Advanced Medical Optics. The product is used in cataract surgery to help dilate and lubricate the eye. The recall was required when lots of the product coming into the United States tested extremely high with endotoxins, a form of bacteria. The recall notice was too little, too late for Bill. His physician used Healon D in his surgery and his eye was flooded with toxins. In the days that followed he developed a severe infection and eventually required two corneal transplant surgeries and was left with very poor vision for the remainder of his life.



Bill hired Hossley & Embry to pursue his case. Given the recall, Advanced Medical Optics (now owned by Abbott Laboratories) made an effort at a quick resolution of the claim. However, it has been our experience that the true value in such a case cannot be determined until all the underlying facts are discovered. Hossley & Embry filed the case in federal court in the Eastern District of Texas. After several discovery battles, Hossley & Embry learned that the Healon D in question was produced at a facility in Uppsala, Sweden that had been cited twice before for unsanitary conditions. Moreover, the FDA inspector found that the plant did not even conform to current Good Manufacturing Practice requirements. In fact, the violations were so serious at the Sweden plant that the FDA impounded incoming products from the plant. In the words of the FDA, "inspection revealed that these devices are adulterated... and are subject to refusal of admission." Hossley & Embry was prepared to inspect the plant in Sweden and depose the Quality Control Manager when the case settled at mediation.

The difference between believing and proving: hard work.

Hossley & Embry is accepting referrals of products liability and personal injury cases throughout Texas. Please call 903-526-1772 or email jeff@hossleyembry.com.

HOSSLEY EMBRY
Attorneys and Counselors

HOSSLEY EMBRY
Attorneys and Counselors

Tyler

320 S. Broadway Ave., Suite 100
Tyler, TX 75702
903-526-1772 • Fax: 903-526-1773

Dallas

209 Henry Street
Dallas, TX 75226
214-265-1117 • Fax: 214-265-1958