

neighbours from hell

Faulty hip case set back months

BRAD CROUCH
HEALTH REPORTER

A MAJOR court case pitching hundreds of South Australians against an American multinational corporation has been put back for months after health-care giant Johnson & Johnson lodged thousands of pages of documents.

The case about allegedly faulty hip replacements was due to be heard in the Federal Court in Sydney on June 2 but this has been put back to March next year. About 3000 Australians, including about 450 in South Australia, are suing over faulty hip implants.

The case has been delayed after Johnson & Johnson lodged 3000 pages of affidavits and almost 20,000 pages of annexures. Victims complain it is "delay by avalanche", however their lawyers concede the case is so complex such a response, and consequent delay, is hard to avoid.

The metal ball-and-socket Articular Surface Replacement was taken off the market in 2010 after eight years and has been implanted into more than 90,000 people worldwide.

Johnson & Johnson agreed to pay US\$2.5 billion — about US\$250,000 per patient — to settle thousands of lawsuits in the US, however no such offer is on the table in Australia.

In South Australia, law firms Shine Lawyers, Maurice Blackburn, Duncan Basheer Hannon and Lemprier Abbott McLeod represent about 450 people. Maurice Blackburn managing principal Ben Slade called on Johnson & Johnson to settle the class action with an offer similar to the one made in the US. "The discovery process alone saw 1.8 million documents and we have had a team of 30 lawyers and paralegals working on it," he said.

"It is enormously complicated and I can't blame them for introducing these documents. It is unfortunate that it has been put back this long."

The case is expected to take at least four weeks once it commences in March.



January 2, Mansfield Park

"Had to hear vulgar language and violent threats, banging and smashing. Constant abusing language heard from the property."

December 30, Hackham West

"Ongoing threats to property and personal safety, obscenities, collaborating with neighbours. Causes extreme fear and distress, frightened and woke up my toddler three times."

December 30, Seaton

"I'm too scared to leave home and scared to approach him as he is very violent. Noisy music all day and aggressive behaviour, throwing fire crackers."

December 28, Dover Gardens

"Bottle thrown into our driveway smashing against the house. Noisy out of control party. Parties on regular basis, finishing party 3.35am. I was verbally abused."

December 22, Aberfoyle Park

"Boy walks off 'he is a f...king piece of s...t, c..t', and it went for ten minutes."

December 23, Dover Gardens

"Guests urinating in ours (garden). Loud music til late, 5am last night, 8am previously. Noise is waking us and our son, constantly creating stress and anxiety. We have no peace in our home."

December 14, Northfield

"Endless police presence at this property, noise, violence, under age drinking, partying. The whole neighbourhood worries for its safety."

December 28, Salisbury Downs

"They drive across their own front yard and exit the property using my driveway leaving damage to the property. They almost hit my car. They have run over my bins and today almost hit my child."

December 17, Aberfoyle Park

"Destruction of my property and fear of break in."

December 12, Enfield

"(There is) swearing, physical violence, possible illegal electrical connection, marijuana being grown on site."

December 9, Seaford Meadows

"Yelling, screaming, swearing, banging, smashing glass. Disturbs sleeping for children and adults. Children listening to swearing. Scart for the whole family."

December 8, Whyalla

"Trying to kill my dogs. She is baiting my dogs."

December 8, Kilburn

"Neighbour and her boys were abusive, I was chased home."

Source: Housing Trust Fol document release.



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