

Florida man sues over IVC filter injuries

When doctors are unable to remove IVC filter, man files lawsuit against the manufacturer

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A Florida man diagnosed with chronic blood clots years after learning his retrievable IVC filter couldn't be removed is suing the maker of the device, Cook Medical.



Noel Crespo added his name to the growing list of lawsuits against Cook Medical and its retrievable Günther Tulip IVC filter this month. He filed his lawsuit against the medical device company in Florida federal court on Jan. 18.



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Crespo v. Cook Inc., 2017

IVC filters are small, cage-like devices implanted in the inferior vena cava – the large vein that carries blood from the lower half of the body back to the heart – to catch blood clots before they travel to the heart or lungs.

Patients who undergo surgery or are otherwise at risk for blood clots may have an IVC filter implanted to decrease their risk for pulmonary embolism (PE), which occurs when a blood clot breaks away and travels to the lungs.

Many IVC filters used today are retrievable, meaning they are implanted when patients are at risk for clots but are usually removed when the patient's risk has subsided.

Crespo had his retrievable Günther Tulip IVC filter implanted in April 2010 at a hospital in Miami, according to court documents. The following August, he went back to get the filter removed because he had started therapy with the blood thinner Coumadin.

He soon learned that surgeons were unable to take the filter out because it had moved from its original location and perforated the wall of his vein.

Since then, Crespo has suffered multiple health problems due to blood clots – despite the filter that remained in his body – and was diagnosed with chronic venous embolism in 2014.

Any blood clot that is over one to two months old is considered “chronic.” Chronic clots grow harder and eventually scar the vein. This causes the vein to become smaller and allows less and less blood to flow through.

Retrievable IVC filters that are left in the body too long can cause recurrent PE and other health problems related to blood clots, according to the lawsuit.

Crespo's attorneys said it is unlikely he will ever be able to have his IVC filter removed, considering it has been in his body for 7 years already. His lawyers also said he is at risk for future IVC filter fractures, migrations, perforations, and tilting, as well as recurrent PE.

"He faces numerous health risks, including the risk of death. For the rest of Plaintiff's life, he will require ongoing medical monitoring," wrote Crespo's attorneys in the Jan. 18 complaint.

Crespo is suing Cook Medical for damages related to the company's Günther Tulip IVC filter, which Crespo claims was defectively designed. The lawsuit alleges Cook Medical knew or should have known about the risks of the Günther Tulip filter, but failed to disclose those risks to the public.

Crespo's lawsuit was recently transferred out of Florida and into the multidistrict litigation (MDL) now pending in Indiana federal court. The litigation is comprised of more than 1,300 lawsuits, all claiming Cook Medical's IVC filters caused serious injuries to plaintiffs.

An MDL is currently pending in Arizona federal court, as well, with more than 1,300 lawsuits against C.R. Bard, another manufacturer of retrievable IVC filters.

IVC filter patients who experience side effects like filter migration, perforation, filter fracture, and other injuries may be able to file an [IVC Filter Lawsuit](#) of their own.

Schmidt National Law Group is currently seeking claimants and is in the process of filing claims related to IVC filters and their possible side effects. Contact us today at 1-800-214-1010 or visit our website to learn more.

The case is Crespo vs. Cook Inc. et al. (2:17-cv-00011) in the U.S. District Court for the Middle District of Florida and In Re: Cook Medical Inc. IVC Filters Marketing, Sales Practices and Product Liability Litigation (MDL 2570) in the U.S. District Court for the Southern District of Indiana.

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Schmidt National Law Group is a personal injury firm located in San Diego, Calif. Its team of experienced attorneys represents victims of all types of injuries, including those harmed by pharmaceutical drugs and medical devices.

Schmidt National Law Group's team of attorneys, medical professionals, writers, and case managers fight every day for the rights of the injured. Martin Schmidt, a trial attorney with 30 years experience, has been recognized as a leading personal injury attorney and was chosen as one of the "Top 100 Trial Lawyers" by the American Association for Justice in 2015 and 2016.

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