

A Critical Choice for Cartiva Implant Patients: Don't Get Lost in the MDL

Results achieved in prior matters are not meant to be a guarantee of success as the facts and legal circumstances vary from matter to matter.

If you suffered complications after receiving the Cartiva Synthetic Cartilage Implant (SCI), you are now facing a choice that will dramatically impact your case's outcome and the fees you pay. Learn why litigating your claim in New Jersey State Court with the Wilentz firm may be a better option.

What is the MDL Application and What Does it Mean for You?

Recently, a petition was filed with the Judicial Panel on Multidistrict Litigation (JPML) seeking to create a **Multi-District Litigation (MDL)** for all federal Cartiva lawsuits.

Simplified: What is an MDL?

An MDL is a legal tool used by federal courts to **centralize** similar lawsuits from across the country into one federal courthouse before a single judge. The goal is to coordinate pre-trial matters (like evidence and discovery) to save time and resources.

The Problem: MDLs are for *Pre-Trial* Coordination.

While an MDL can streamline proceedings, it often leads to a long, drawn-out process where individual cases can seemingly get lost in the shuffle. If your case doesn't settle in the MDL, it is typically sent back to its original court for trial—often years later—after the central judge has already made critical rulings that can shape its outcome.

Why You Should NOT Participate in the Cartiva MDL

We urge you to avoid the federal MDL and instead file your individual product liability case in **New Jersey State Court** with our firm. We believe that this strategic decision will give you clear, distinct advantages in venue, litigation efficiency, and legal fees.

1. The Home Field Advantage: New Jersey is Where the Manufacturer Is

The parent company of Cartiva is **Stryker Corporation**, whose Orthopaedics division is headquartered right here in **Mahwah, New Jersey**.

- **Jurisdiction & Discovery:** Litigating in New Jersey means we are in the same state as the corporate defendant, which provides significant logistical and legal advantages.
 - **The Best Venue:** Filing your case where the company is legally "at home" is often the most powerful strategic choice for a plaintiff in product liability litigation.
- #### 2. Fairer Fees: Save Money on Your Recovery

Our fee structure is designed to put more money into *your* pocket.

Firm/Venue	Contingency Fee	Your Savings
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Wilentz, Goldman & Spitzer, P.A.	33 1/3%	—
Out-of-State Counsel (MDL)	40% or more	You pay 6.67% or more in extra fees

By choosing the **Wilentz** firm, you cap your contingency fee at **33 1/3%**. Firms handling MDL cases often charge their clients **40% or more**, meaning you could pay thousands—or even tens of thousands—of dollars more in fees for the exact same recovery. Our firm can also offer you an hourly billing retention if you prefer not to agree to a contingency fee arrangement.

3. A Better System: New Jersey’s Multi-County Litigation (MCL)

New Jersey's state court system is highly experienced in complex mass torts.

- Instead of an MDL, New Jersey uses the **Multi-County Litigation (MCL)** system.
- MCL cases are often managed **more efficiently** and **move toward trial faster** than their federal MDL counterparts. This is the exact system that has successfully handled complex mass torts against Stryker in the past.

State Court vs. Federal Court: Why Plaintiffs May Fare Better

Historically, injured consumers (plaintiffs) often find state court venues to be more favorable than federal court venues, particularly in product liability cases:

- **Juries:** State courts draw jurors from a smaller, more localized pool, which can lead to juries that are more relatable and potentially sympathetic to an injured consumer, as opposed to the much wider geographic pools used in federal court.
- **Procedural Rules:** State court rules are often **less demanding and rigid** than the Federal Rules of Civil Procedure, which can benefit individual plaintiffs attempting to prove a complex corporate liability case.
- **Case Momentum:** Cases in state courts are generally believed to retain their individual momentum and move toward a trial resolution more quickly than cases centralized in a distant federal MDL.

Don't let your Cartiva claim be one of thousands delayed and aggregated in a federal MDL. Litigate your case in the preferred venue with a favorable fee structure.

Contact Josh Kincannon of Wilentz, Goldman & Spitzer, P.A. Today

Attorney Josh Kincannon has successfully litigated against Stryker Corporation for decades, achieving multi-million dollar recoveries for victims of defective medical devices. He knows how to hold them accountable. Results achieved in prior matters are not meant to be a guarantee of success as the facts and legal circumstances vary from matter to matter.

Call us today for a free, confidential case review. Secure experienced counsel and let us help you file in a preferred venue and avoid excessive legal fees.

To speak with an attorney about your legal options, please call: 732-313-2323.