

FACT PATTERN

Mrs. Jane Doe, a 43-year-old New Jersey resident, sustained a fracture in the C5-C6 region of her spinal column. Accordingly, she underwent spinal fusion surgery. During the course of the surgery, the orthopedic surgeon utilized orthopedic bone screws in the pedicles of the spine to secure the fusion.

Orthopedic bone screws, while approved by the FDA for certain uses, are not approved for use in the pedicles of the spine. Following the surgery, the bone screw broke, leaving Mrs. Doe paralyzed.

Mrs. Doe filed suit against our client, Bone Screw, Inc., in New Jersey state court. The case was moved to federal court. Among other things, Mrs. Doe is claiming:

1. Negligence in the use of the screw in the spine
2. Mislabeling of the medical device
3. Fraud on the FDA

Research the claims set forth above. Search both state and federal sources to determine if Mrs. Doe's state claims are preempted by the relevant federal law.