

**Oregon jury awards father \$5.475 million for destroyed shoulder joint
I-Flow marketed use of the pain pump for shoulder surgeries without FDA approval**

PORTLAND – An Oregon jury today awarded a Portland father of four \$5.475 million for a destroyed shoulder joint that was damaged by a pain pump device not approved by the U.S. Food and Drug Administration (FDA).

Attorneys representing Matthew Beale, 38, and his wife Krista Beale say the company I-Flow knowingly marketed its On-Q Painbuster, an infusion pain pump, to orthopedic surgeons even though the FDA rejected approving the device for lack of safety data. The award includes \$1.275 million in damages to Krista Beale. The FDA issued a warning to doctors that it had **never** approved the use of such pain pumps in shoulder-joint surgeries in November 2009.

“I-Flow did not test the safety of the pump, did not have FDA approval and did not warn doctors that this device was not safe for shoulder-joint surgeries,” said Tom Powers, one of the Beales’ attorneys with the Portland-based law firm [Williams, Love, O’Leary & Powers, PC](#). “If you don’t know, you test. If you can’t test, you warn. The last thing you do is mislead or lie.”

I-Flow had submitted requests to receive FDA approval for the use of its pain pump for shoulder surgeries three times. The FDA rejected those requests three times for lack of safety data. But I-Flow issued a press release on June 2, 1998, announcing that the FDA had approved its pain pump for orthopedic use.

According to lead trial attorney John Coletti of the [Paulson Coletti](#) firm in Portland, there may be many more people suffering from similar debilitating injuries caused by the I-Flow pump across the country. “This is one of those issues that flies under the radar of media, and even some physicians,” Coletti added. “We hope that news of this verdict will help spread the word about this problem.”

Beale routinely participated in football, racquetball, golf and coaching his son’s baseball teams and originally injured his shoulder throwing a football, suffering a minor tear in his bicep tendon.

After routine arthroscopic surgery, his doctor prescribed an I-Flow pain pump which killed the cells that create cartilage in his shoulder joint. Within months, Beale’s cartilage was completely destroyed and his shoulder could no longer produce more cartilage.

According to court documents, his doctor had no idea that the I-Flow pain pump he used was not approved by the FDA, nor did he know the pump actually caused the permanent damage to Beale’s shoulder joint. His doctor would later discover that nearly 49 patients he had treated with the I-Flow pain pump had similar complications after surgery.

“Matt was in so much pain from the bone rubbing on bone, he could not shake his clients’ hands or pick up his baby without enduring a shock-wave of pain,” said Coletti. “He will have to endure a complete shoulder-replacement surgery knowing that it’s unlikely to permanently resolve his chronic pain or help him regain his active lifestyle,” Coletti concluded.

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