

# Lawsuit: Fresenius Medical Care and DaVita Healthcare Partners Liable for GranuFlo and NaturaLyte Deaths

Hagens Berman Sobol Shapiro LLP, a law firm with experience prosecuting cases against healthcare providers and the pharmaceutical industry, today filed two lawsuits in Federal Court in Colorado alleging that DaVita Healthcare Partners, Inc.'s (NYSE: DVA) ("DaVita") actions led to the deaths of two dialysis patients. The lawsuits further allege that the problems that caused those deaths have impacted thousands of dialysis patients across the country, and seek class action status.

The suits claim that DaVita – one of the nation's largest providers of dialysis services – failed to recognize that part of the treatment it used in dialysis was causing dangerously high levels of bicarbonates in the patients, which the suit claims caused the deaths of the two patients cited in the suits, and potentially many other unreported deaths and injuries, including cardiac arrest and stroke.

Hagens Berman has also filed suits against Fresenius Medical Care North America (FMC) ("Fresenius"), the company who manufactured and distributed the two products. According to those lawsuits, an internal memo dated Nov. 4, 2011, reveals that Fresenius knew of the dangers associated with GranuFlo and NaturaLyte, two dialysis products, far in advance of informing the FDA. Moreover, the complaints allege that Fresenius made adjustments at its own clinics to reduce the impact on patients, showing it was aware of the problem.

The suits seek to represent patients who suffered cardiac arrest, stroke, respiratory issues or a litany of other health problems linked to the use of GranuFlo and NaturaLyte, both of which were recalled by the FDA on March 29, 2012.

Patients, former patients or their surviving families who believe they suffered from cardiac, stroke or other adverse events associated with the products are encouraged to contact Hagens Berman attorneys. You can reach an attorney by calling 888-381-2889 or by emailing [Fresenius@hbsslaw.com](mailto:Fresenius@hbsslaw.com).

According to Steve Berman, managing partner of Hagens Berman, DaVita shares the blame, even though Fresenius manufactured and distributed the products. "Even before the FDA stepped in, our medical experts all conclude that DaVita should have recognized that its patients using the two products showed wild swings in their bicarbonate levels, a clear indication that they were at a much higher risk of cardiac arrest."

Berman also noted that DaVita failed to recognize trends in the number of complications and deaths after dialysis treatments. “Even had the company overlooked the trends relating to bicarbonate levels, we would expect that the high number of complications and deaths would have alerted them that something was amiss.”

The class-action complaints cite two patients who died of cardiac arrest while receiving treatment from DaVita. Stella Nunes, a California resident, suffered a fatal heart attack on Dec. 26, 2012, while receiving dialysis treatment. Jean Thornton, a Wisconsin resident, suffered a fatal heart attack shortly after returning home from treatment at a DaVita clinic in Nov. 2011, according to the lawsuit. The lawsuit claims that these deaths could have been prevented had DaVita properly monitored the bicarbonate levels of its patients and tracked deaths and complications associated with its use of GranuFlo and NaturaLyte.

The lawsuits claim that DaVita is guilty of negligence for failing to protect its patients from the products.

DaVita owns and operates 1,954 outpatient dialysis centers in 44 states throughout the United States.

More information is available at <http://www.hbsslaw.com/cases-and-investigations/Fresenius>

### **About Hagens Berman**

Seattle-based Hagens Berman Sobol Shapiro LLP is a national plaintiff-focused law firm with offices in ten cities. Founded in 1993, we represent plaintiffs in class actions and multi-state, large-scale litigation that seek to protect the rights of investors, consumers, workers, whistleblowers and others. More information about the firm is available at [www.hbsslaw.com](http://www.hbsslaw.com)

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