

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA

Neal v. Smith & Nephew Inc.

No. 23-557 (W.D. La. Jan. 12, 2026) · No. 5:23-cv-00557 · Decided January 12, 2026

SUMMARY

The United States District Court for the Western District of Louisiana granted Smith & Nephew, Inc.’s motion for summary judgment in Blondzetta Hay Neal’s Louisiana Products Liability Act action involving an R3 acetabular hip replacement system. The court held that Neal presented no evidence of a construction or composition defect and failed to identify an alternative design supporting her design-defect claim.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana
WRITING FOR THE COURT	Jer' Edwards, Jr.
JURISDICTION	United States District Court for the Western District of Louisiana
DECIDED	January 12, 2026
DOCKET	5:23-cv-00557
DISPOSITION	affirmed
PROCEDURAL POSTURE	Motion for Summary Judgment
STANDARD OF REVIEW	Summary judgment standard: no genuine dispute of material fact and movant entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	unpublished

TOPICS

- summary judgment
- products liability
- civil procedure
- personal injury

PRACTICE AREAS

- products liability
- civil procedure

QUESTIONS PRESENTED

1. Whether summary judgment is warranted on Plaintiff’s construction or composition defect claim under the Louisiana Products Liability Act

2. Whether summary judgment is warranted on Plaintiff's design defect claim under the Louisiana Products Liability Act

HOLDINGS

1. Summary judgment granted on construction/composition defect claim because Plaintiff failed to present expert evidence showing how the device deviated from manufacturer's specifications or performance standards.
2. Summary judgment granted on design defect claim because Plaintiff failed to demonstrate an alternative design existed at the time the product left manufacturer's control.

FACTUAL BACKGROUND

Plaintiff underwent hip replacement surgery in September 2018 where Defendant's R3 acetabular system was implanted. Within a year, she experienced pain. In July 2022, a revision surgery was performed. Doctors allegedly informed her that the metal-on-metal design caused metal shavings leading to injuries including pain, tissue/bone damage, reduced mobility, and pseudotumors.

PROCEDURAL HISTORY

Plaintiff filed complaint in state court, Defendant removed to federal court. After removal, Plaintiff filed amended complaint. Court previously dismissed inadequate warning and breach of express warranty claims. Defendant moved for summary judgment on remaining construction/composition defect and design defect claims.

DISPOSITION

affirmed

CASES CITED

- Hyatt v. Thomas, 843 F.3d 172 (5th Cir. 2016)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317 (1986)
- Teply v. Mobil Oil Corp., 859 F.2d 375 (5th Cir. 1988)
- Stahl v. Novartis Pharm. Corp., 283 F.3d 254 (5th Cir. 2002)
- Shepard v. Johnson & Johnson, No. CV 5:17-1604, 2019 WL 5585001 (W.D. La. Oct. 29, 2019)
- Broussard v. Procter & Gamble Co., 463 F. Supp. 2d 596 (W.D. La. 2006)
- Templet v. HydroChem Inc., 367 F.3d 473 (5th Cir. 2004)
- Pickett v. RTS Helicopter, 128 F.3d 925 (5th Cir. 1997)
- Morris v. United Servs. Auto. Ass'n, 756 So.2d 549 (La. App. 2 Cir. 2000)
- Patton v. Boston Scientific Corporation, No. CV 15-1976, 2018 WL 4760846 (W.D. La. Oct. 2, 2018)
- Gen. Universal Sys., Inc. v. Lee, 379 F.3d 131 (5th Cir. 2004)

- McCarthy v. Danek Medical, Inc., 65 F.Supp 2d 410 (E.D. La. 1999)
- Theriot v. Danek Medical, Inc., 168 F.3d 253 (5th Cir. 1999)

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