## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

## IN RE BARD IVC FILTERS PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

SECOND AMENDED MASTER SHORT FORM COMPLAINT FOR DAMAGES FOR INDIVIDUAL CLAIMS AND DEMAND FOR JURY TRIAL

Plaintiff(s) named below, for their Complaint against Defendants named below,

incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Renee Harris\_\_\_\_\_

- 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:
- Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):
- Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

New Jersey

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

New Jersey

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

New Jersey

1	7.	District Court and Division in which venue would be proper absent direct filing:			
2					
3		United States District Court - District of New Jersey			
4	8.	Defendants (check Defendants against whom Complaint is made):			
5		X C.R. Bard Inc.			
6		X Bard Peripheral Vascular, Inc.			
7	9.	Basis of Jurisdiction:			
8		X Diversity of Citizenship			
9		□ Other:			
10		a. Other allegations of jurisdiction and venue not expressed in Master			
11		Complaint:			
12					
13					
14					
15	10.	Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a			
16		claim (Check applicable Inferior Vena Cava Filter(s)):			
17		Recovery <sup>®</sup> Vena Cava Filter			
18		□ G2 <sup>®</sup> Vena Cava Filter			
19		□ G2 <sup>®</sup> Express Vena Cava Filter			
20		□ G2 <sup>®</sup> X Vena Cava Filter			
		□ Eclipse <sup>®</sup> Vena Cava Filter			
		X Meridian <sup>®</sup> Vena Cava Filter			

-2-

1			Denali <sup>®</sup> Ven	a Cava Filter
2			Other:	
3	11.	Date	of Implantatio	n as to each product:
4		<u>Septe</u>	mber 16, 2013	
5	X			
6	12.	Coun	ts in the Maste	er Complaint brought by Plaintiff(s):
7		Х	Count I:	Strict Products Liability – Manufacturing Defect
8		Х	Count II:	Strict Products Liability – Information Defect (Failure to
9			Warn)	
10		Х	Count III:	Strict Products Liability – Design Defect
11		Х	Count IV:	Negligence - Design
12		Х	Count V:	Negligence - Manufacture
13			Count VI:	Negligence – Failure to Recall/Retrofit
14		Х	Count VII:	Negligence – Failure to Warn
15			Count VIII:	Negligent Misrepresentation
16		X	Count IX:	Negligence Per Se
17		Х	Count X:	Breach of Express Warranty
18		Х	Count XI:	Breach of Implied Warranty
19		Х	Count XII:	Fraudulent Misrepresentation
20		Х	Count XIII:	Fraudulent Concealment
		Х	Count XIV:	Violations of Applicable (insert state) Law
			Prohibiting (	Consumer Fraud and Unfair and Deceptive Trade Practices

-

\_\_\_\_\_

1			Count XV: Loss of Consortium
2			Count XVI: Wrongful Death
3			Count XVII: Survival
4		Х	Punitive Damages
5			Other(s): (please state the facts supporting
6			this Count in the space immediately below)
7			
8			
9			
10			
11			
12	13.	Jury	Trial demanded for all issues so triable?
13		Х	Yes
14			No
15		RES	PECTFULLY SUBMITTED this 20 <sup>th</sup> day of June, 2016.
16			
17			
18			
19			
20			

I

-4-

1    2    3    4    5    6    7    8    COUNSEL FOR PLAINTIFF    9    COUNSEL FOR PLAINTIFF    9    11    12    13    14    15    16    17    18    19    20		
3  By: <u>A/Ben C. Martin</u> 4  Ben C. Martin    5  Dallas, Texas 75204    6  214/761-6614 (Tel)    6  214/744-7590 (Fax)    6  Domartin@bencmartin.com    7  Ben C. Martin    8  COUNSEL FOR PLAINTIFF    9  CERTIFICATE OF SERVICE    10  I hereby certify that on this 20 <sup>th</sup> day of June, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.    12  Isome C. Martin    13  Isome C. Martin    14  Isome C. Martin    15  Isome C. Martin    16  Intereby certify that on this 20 <sup>th</sup> day of June, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.    13  Isome C. Martin    14  Isome C. Martin    15  Isome C. Martin    16  Isome C. Martin    17  Isome C. Martin    18  Isome C. Martin    19  Isome C. Martin	1	
4  By: <u>/s/ Ben C. Martin</u> Ben C. Martin    5  Ballas, Texas 75204    214/761-6614 (Tel)  214/761-6614 (Tel)    6  214/744-7590 (Fax)    6  Dallas, Texas 75204    7  Bomartin@bencmartin.com    7  Bomartin@bencmartin.com    7  COUNSEL FOR PLAINTIFF    9  CERTIFICATE OF SERVICE    10  I hereby certify that on this 20 <sup>th</sup> day of June, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.    12  /s/ Ben C. Martin    13  /s/ Ben C. Martin    14  Ben C. Martin    15     16     17     18     19	2	LAW OFFICES OF BEN C. MARTIN
4  Ben C. Martin    3219 McKinney, Suite 100    5  Dallas, Texas 75204    214/761-6614 (Tel)    6  214/761-6614 (Tel)    7  214/744-7590 (Fax)    8  COUNSEL FOR PLAINTIFF    9  CERTIFICATE OF SERVICE    10  I hereby certify that on this 20 <sup>th</sup> day of June, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.    12  /s/ Ben C. Martin    14  Ben C. Martin    15  Image: Set 10 (Set 10)    16  Image: Set 10 (Set 10)    17  Image: Set 10 (Set 10)    18  Image: Set 10 (Set 10)    19  Image: Set 10 (Set 10)	3	
3219 McKinney, Suite 100 Dallas, Texas 75204 214/761-6614 (Tel) 214/744-7590 (Fax) <i>bmartin@bencmartin.com</i> COUNSEL FOR PLAINTIFF CERTIFICATE OF SERVICE IN I hereby certify that on this 20 <sup>th</sup> day of June, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing. <i>/s/ Ben C. Martin</i> Ben C. Martin 14 15	4	
5  Dallas, Texas 75204    214/761-6614 (Tel)  214/744-7590 (Fax)    6  Display (Counsel of the constrained of the constrained of the counsel	4	
6  214/744-7590 (Fax)    7  bmartin@bencmartin.com    7  COUNSEL FOR PLAINTIFF    9  CERTIFICATE OF SERVICE    10  I hereby certify that on this 20 <sup>th</sup> day of June, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.    12  /s/ Ben C. Martin    13  /s/ Ben C. Martin    14  15    15  16    17  18    19  I hereby certify that on this 20 <sup>th</sup> day of June, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.	5	Dallas, Texas 75204
7  Binartin@bencmartin.com    7  COUNSEL FOR PLAINTIFF    9  CERTIFICATE OF SERVICE    10  I hereby certify that on this 20 <sup>th</sup> day of June, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.    12  /s/ Ben C. Martin    13  /s/ Ben C. Martin    14  Ben C. Martin    15		
7  8  COUNSEL FOR PLAINTIFF    9  CERTIFICATE OF SERVICE    10  I hereby certify that on this 20th day of June, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.    12  /s/ Ben C. Martin    13  /s/ Ben C. Martin    14  Image: Service of Service of Electronic Filing and transmittal of a Notice of Electronic Filing.    13  /s/ Ben C. Martin    14  Image: Service of Electronic Filing and transmittal of a Notice of Electronic Filing.    15  Image: Service of Electronic Filing and transmittal of a Notice of Electronic Filing.    16  Image: Service of Electronic Filing and transmittal of a Notice of Electronic Filing.    17  Image: Service of Electronic Filing and transmittal of a Notice of Electronic Filing.    18  Image: Service of Electronic Filing and transmittal of a Notice of Ele	6	
8COUNSEL FOR PLAINTIFF9CERTIFICATE OF SERVICE10I hereby certify that on this 20th day of June, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.12/s/ Ben C. Martin13Sen C. Martin14I COUNSEL FOR PLAINTIFF15I Autoched document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.14I Sen C. Martin15I Sen C. Martin16I Sen C. Martin17I Sen C. Martin18I Sen C. Martin19I Sen C. Martin	7	omar un abencinar un com
8  9  CERTIFICATE OF SERVICE    10  I hereby certify that on this 20 <sup>th</sup> day of June, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.    12  13  /s/ Ben C. Martin    14  15  16    17  18  19	, í	
Interest of the second seco	8	COUNSEL FOR PLAINTIFF
Interest of the second seco		
I hereby certify that on this 20th day of June, 2016, I electronically transmitted the    attached document to the Clerk's Office using the CM/ECF System for filing and transmittal    of a Notice of Electronic Filing.    13  /s/ Ben C. Martin    14    15    16    17    18    19	9	CERTIFICATE OF SERVICE
11  attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.    12  13  /s/ Ben C. Martin    14  Ben C. Martin    15  .    16  .    17  .    18  .    19  .	10	
of a Notice of Electronic Filing. 12 13 14 15 16 17 18 19		I hereby certify that on this 20 <sup>th</sup> day of June, 2016, I electronically transmitted the
12 13 14 15 16 17 18 19	11	
13  /s/ Ben C. Martin    14  Ben C. Martin    15  16    17  18    19	10	of a Notice of Electronic Filing.
Ben C. Martin Ben C. Martin 15 16 17 18 19	12	
14    15    16    17    18    19	13	
15 16 17 18 19		Ben C. Martin
16 17 18 19	14	
16 17 18 19	15	
17 18 19	1.5	
18 19	16	
18 19		
19	17	
19	18	
20	19	
20	20	
	20	

-5-