

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

CA: 2:12-1378

*IN RE: C.R. Bard, Inc.,
Pelvic Repair System Products Liability Litigation.*
MDL no. 2187

SHORT FORM COMPLAINT

Come now the Plaintiff(s) named below, and for Complaint against the Defendants named below, incorporate The Master Complaint in MDL No. 2187 by reference. Plaintiff(s) further show the court as follows:

1. Female Plaintiff

Debra Wise

2. Plaintiff Husband

Ronald Wise

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator)

N/A

4. State of Residence

Ohio

5. District Court and Division in which action is to be filed upon transfer from the MDL.

Southern District of West Virginia, Huntington Division

6. Defendants (Check Defendants against whom Complaint is made):

(X) A. C. R. Bard, Inc. ("Bard")

() B. Sofradim Production SAS ("Sofradim")

() C. Tissue Science Laboratories Limited ("TSL")

☐ D. Other defendants

7. Basis of Jurisdiction

Diversity of Citizenship

8. A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

1, 2, 3, 6, 7, 8

B. Other allegations of jurisdiction and venue

This case was originally filed in the Circuit Court of Cabell County and by agreement of the parties is being refiled in the United States District Court for the Southern District of West Virginia.

9. Defendants' products implanted in Plaintiff (Check products implanted in Plaintiff)

☐ A. The Align Urethral Support System;

☐ B. The Align TO Urethral Support System;

☐ C. The Avaulta Anterior BioSynthetic Support System;

☐ D. The Avaulta Posterior BioSynthetic Support System;

☒ E. The Avaulta Plus Anterior BioSynthetic Support System;

☒ F. The Avaulta Plus Posterior BioSynthetic Support System;

☐ G. The Avaulta Solo Anterior Synthetic Support System;

☐ H. The Avaulta Solo Posterior Synthetic Support System;

☐ I. The InnerLace BioUrethral Support System;

☐ J. The Pelvicol Acellular Collagen Matrix;

☐ K. The PelviLace BioUrethral Support System;

☐ L. The PelviLace TO Trans-obturator BioUrethral Support System;

☐ M. The PelviSoft Acellular Collagen BioMesh;

☐ N. The Pelvitex Polypropylene Mesh;

- ☐ O. The Uretex SUP Pubourethral Sling;
- ☐ P. The Uretex TO Trans-obturator Urethral Support System;
- ☐ Q. The Uretex TO2 Trans-obturator Urethral Support System; and
- ☐ R. The Uretex TO3 Trans-obturator Urethral Support System.
- ☐ S. Other

10. Defendants' Products about which Plaintiff is making a claim. (Check applicable products)

- ☐ A. The Align Urethral Support System;
- ☐ B. The Align TO Urethral Support System;
- ☐ C. The Avaulta Anterior BioSynthetic Support System;
- ☐ D. The Avaulta Posterior BioSynthetic Support System;
- ☒ E. The Avaulta Plus Anterior BioSynthetic Support System;
- ☒ F. The Avaulta Plus Posterior BioSynthetic Support System;
- ☐ G. The Avaulta Solo Anterior Synthetic Support System;
- ☐ H. The Avaulta Solo Posterior Synthetic Support System;
- ☐ I. The InnerLace BioUrethral Support System;
- ☐ J. The Pelvicol Acellular Collagen Matrix;
- ☐ K. The PelviLace BioUrethral Support System;
- ☐ L. The PelviLace TO Trans-obturator BioUrethral Support System;
- ☐ M. The PelviSoft Acellular Collagen BioMesh;
- ☐ N. The Pelvitex Polypropylene Mesh;
- ☐ O. The Uretex SUP Pubourethral Sling;
- ☐ P. The Uretex TO Trans-obturator Urethral Support System;
- ☐ Q. The Uretex TO2 Trans-obturator Urethral Support System; and
- ☐ R. The Uretex TO3 Trans-obturator Urethral Support System.

()S. Other

11. Date of Implantation as to Each Product

July 16, 2007

12. Hospital(s) where Plaintiff was implanted (including City and State)

St. Mary's Medical Center in Huntington, West Virginia

13. Implanting Surgeon(s)

Dr. Mitchell E. Nutt, M.D.

14. Counts in the Master Complaint brought by Plaintiff(s)

(X) Count I

(X) Count II

(X) Count III

(X) Count IV

(X) Count V

(X) Count VI

(X) Count VII (by the Husband)

(X) Count VIII

[SIGNATURE ON FOLLOWING PAGE]

**BLASINGAME, BURCH, GARRARD &
ASHLEY, P.C.**

Attorneys for Plaintiffs

/s/ Henry G. Garrard, III

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Debra Wise and Ronald Wise

DEFENDANTS

C. R. Bard, Inc.

(b) County of Residence of First Listed Plaintiff Lawrence

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE:

IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Blasingame, Burch, Garrard & Ashley, P.C.

440 College Avenue, Suite 320

Athens, GA 30603

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	PERSONAL INJURY <input checked="" type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☒ 6 Multidistrict Litigation

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC SEC. 1332

Brief description of cause:

PERSONAL INJURIES DUE TO DEFECTIVE PRODUCTS**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

75,001.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

05/03/2012

SIGNATURE OF ATTORNEY OF RECORD

/s/ Henry G. Garrard, III

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____