

WILLIAM CAMPISI JR. SBN 114690
 LAW OFFICE OF WILLIAM CAMPISI JR.
 1932 BONITA AVENUE
 BERKELEY, CA 94704
 Tel: (510) 549-3112
 Fax: (510) 549-9260
 campisi@campisi-law.com

Attorney for Plaintiffs
 SARAH SALEM-ROBINSON
 ALAN A. ROBINSON

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

SARAH SALEM-ROBINSON, and ALAN A. ROBINSON,)	CASE NO. _____
Plaintiffs,)	
vs.)	COMPLAINT FOR NEGLIGENCE,
)	STRICT PRODUCTS LIABILITY,
RICHARD WOLF MEDICAL INSTRUMENTS CORPORATION, and DOES 1-50,)	BREACH OF EXPRESS WARRANTY,
Defendants.)	BREACH OF IMPLIED WARRANTY;
)	FRAUD; LOSS OF SERVICES
)	<u>JURY TRIAL IS REQUESTED</u>

Plaintiffs SARAH SALEM-ROBINSON and ALAN A. ROBINSON, complaining of the defendants and seeking a trial by jury of their claims, allege as follows:

I. INTRODUCTION

1. This action is being brought for injuries and damages caused to plaintiffs from the use of a product known as a power morcellator in connection with a hysterectomy performed on plaintiff SARAH SALEM-ROBINSON that was manufactured, sold and distributed by Richard Wolf Medical Instruments Corporation (WOLF CORPORATION) and as Does 1 through 50.

2. Plaintiff SARAH SALEM-ROBINSON had a surgical procedure performed on her known as a supracervical hysterectomy assisted by the use of a Wolf Corporation solid tumor morcellator ("Wolf Power Morcellator") on May 18, 2012, at the Kaiser Santa Clara Medical Center Hospital located in Santa Clara, California.

II. JURISDICTION AND VENUE

1 3. This Court has original jurisdiction pursuant to 28 U.S.C. §1332, as the matter in
2 controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between
3 citizens of different states as plaintiff SARAH SALEM-ROBINSON and ALAN A. ROBINSON,
4 are residents of the state of California and defendant WOLF CORPORATION is a resident of the
5 State of Illinois.

6 4. Venue in the Northern District of California is proper under 28 U.S.C. §1391(b)(2) as
7 a substantial part of the events or omissions giving rise to the claim occurred in this District.

8 **III. PARTIES**

9 5. Plaintiffs SARAH SALEM-ROBINSON and ALAN A. ROBINSON are adult
10 individuals residing in the city of Los Altos, County of Santa Clara, state of California.

11 6. Defendant WOLF CORPORATION is a corporation, or other entity, organized and
12 existing under the laws of the state of ILLINOIS, and who at all times material and relevant hereto,
13 was engaged in the business of designing, manufacturing, selling, supplying, distributing and
14 marketing minimally invasive gynecological surgical products, including the Wolf Power
15 Morcellator, with its principal place of business at 353 Corporate Woods Parkway, city of Vernon
16 Hills, state of Illinois.

17 7. Plaintiffs do not know the names and capacities, whether corporate, associate, or
18 individual of defendants sued herein as DOES 1 through 50, inclusive, and therefore they sue these
19 defendants by such fictitious names.

20 8. Plaintiffs are informed and believe, and thereon allege, that each of the fictitiously
21 named DOE defendants is legally responsible in some manner for the wrongful events and
22 occurrences herein alleged, and each of them was in some manner legally responsible for causing
23 the injuries and damages to plaintiffs as described in this complaint. Plaintiffs will seek leave to
24 amend this complaint to allege the true names and capacities of these Doe defendants when such
25 information has been ascertained.

26 9. Plaintiffs are informed and believe, and thereon allege, that at all times herein
27 mentioned, each of the defendants, whether specifically named or designated in this Complaint as a
28 DOE defendant, was the agent, representative, joint venturer, co-conspirator, consultant,

1 predecessor, successor, servant or employee of each of the remaining defendants, and in doing the
2 acts alleged herein, was acting in the course and scope of such agency, representation, joint venture,
3 conspiracy, consultancy, predecessor agreement, successor agreement, service and employment with
4 knowledge, acquiescence and ratification of each and every remaining defendant.

5 10. Defendants DOES 1 through 50, inclusive, were engaged in the business of
6 manufacturing and/or selling and/or supplying and/or marketing and/or designing and/or distributing
7 minimally invasive gynecological surgical products, specifically, the product/s used upon Plaintiff.

8 **IV. BACKGROUND AND FACTS**

9 11. Paragraphs 1 through 10 are incorporated by this reference into this cause of action
10 as if they were set forth in full.

11 12. On May 18, 2012 plaintiff SARAH SALEM-ROBINSON underwent a surgical
12 procedure known as a supracervical hysterectomy during which surgery the Wolf Power
13 Morcellator was used. This surgery took place at the Kaiser Santa Clara Medical Center hospital
14 located in the city of Santa Clara, California.

15 13. Prior to plaintiff SARAH SALEM-ROBINSON's surgery of May 18th, 2012, there
16 was no evidence that she had disseminated or metastatic cancer.

17 14. Following this procedure, on May 30, 2012, Plaintiff was informed that the one of the
18 "fibroids" that had been removed during the surgery had been, in fact, not a benign fibroid but rather
19 a cancerous tumor, specifically a leiomyosarcoma. Plaintiff was then informed that because the
20 Wolf Power Morcellator had been used during her surgery there was significant risk that cancer cells
21 had been disseminated within her peritoneum by the Wolf Power Morcellator and that such
22 dissemination could lead to metastatic disease at more locations within plaintiff's body.

23 15. Because of the threat of dissemination of her cancer in her peritoneum and the threat
24 that metastatic disease could occur, plaintiff began undergoing surveillance imaging. Initial imaging
25 of plaintiff's lungs, abdomen and pelvis did not show any lesions or nodules that were consistent
26 with possible metastatic disease.

27 16. Because of the risk of metastatic disease, plaintiff has undergone and continues to
28 undergo aggressive treatment and therapy that has caused plaintiff injury and severe pain and

1 suffering. In addition, plaintiff subsequently developed 4 small lesions in one of her lungs that
2 likely represent metastatic leiomyosarcoma which metastases are likely the result of the
3 dissemination of plaintiff's cancer by the Wolf Power Morcellator.

4 17. It is alleged that each and every defendant herein failed to warn about the possibility
5 of dissemination of an occult uterine leiomyosarcoma throughout the peritoneal cavity.

6 18. Defendants were each aware of the risks, complications, and/or adverse events
7 associated with their products used for uterine morcellation.

8 **FIRST CAUSE OF ACTION FOR NEGLIGENCE ON BEHALF OF**
9 **PLAINTIFF SARAH SALEM-ROBINSON**

10 19. Paragraphs 1 through 18 are incorporated by this reference into this cause of action
11 as if they were set forth in full.

12 20. Defendants WOLF CORPORATION and Does 1 through 50, inclusive, (hereafter
13 collectively referred to as "Defendants"), owed a duty to design, manufacture, label, market,
14 distribute, and supply and/or sell a product like the Wolf Power Morcellator in such a way as to
15 avoid harm to persons upon whom it was used, including plaintiff Sarah Salem-Robinson, or to
16 refrain from such activities following knowledge and/or constructive knowledge that such product is
17 harmful to persons upon whom it is used.

18 21. Defendants owed a duty to warn of the hazards and dangers associated with the use of
19 its product the Wolf Power Morcellator and its associated minimally invasive gynecologic products,
20 for patients such as plaintiff herein, so as to avoid harm.

21 22. Defendants, acting by and through their authorized divisions, subsidiaries, agents,
22 servants, and employees, were guilty of carelessness, recklessness, negligence, gross negligence and
23 willful, wanton, outrageous and reckless disregard for human life and safety in manufacturing,
24 designing, labeling, marketing, distributing, supplying and/or selling and/or placing into the stream
25 of commerce, minimally invasive gynecologic products, including the Wolf Power Morcellator, both
26 generally, and in the following particular respects:

27 a. failing to conduct adequate and appropriate testing of minimally invasive
28 gynecologic products, specifically including, but not limited to, products used for uterine

1 morcellation;

2 b. putting products used for uterine morcellation on the market without first conducting
3 adequate testing to determine possible side effects;

4 c. putting products used for uterine morcellation on the market without adequate testing
5 of its dangers to humans;

6 d. failing to recognize the significance of their own and other testing of, and information
7 regarding, products used for uterine morcellation, which testing evidenced such products potential
8 harm to humans;

9 e. failing to respond promptly and appropriately to their own and other testing of, and
10 information regarding products used for uterine morcellation, which indicated such products
11 potential harm to human;

12 f. failing to promptly and adequately warn of the potential of the products used for
13 uterine morcellation to be harmful to humans;

14 g. failing to promptly and adequately warn of the potential for the metastases of cancer
15 when using products used for uterine morcellation;

16 h. failing to promptly, adequately, and appropriately recommend testing and monitoring
17 of patients upon whom products used for uterine morcellation in light of such products potential
18 harm to humans;

19 i. failing to properly, appropriately, and adequately monitor the post-market
20 performance of products used for uterine morcellation and such products effects on patients;

21 j. concealing from the FDA, National Institutes of Health, the general medical
22 community and/or physicians, their full knowledge and experience regarding the potential that
23 products used for uterine morcellation are harmful to humans;

24 k. promoting, marketing, advertising and/or selling products used for uterine
25 morcellation for use on patients given their knowledge and experience of such products' potential
26 harmful effects;

27 l. failing to withdraw products used for uterine morcellation from the market, restrict its
28 use and/or warn of such products' potential dangers, given their knowledge of the potential for its

1 harm to humans;

2 m. failing to fulfill the standard of care required of a reasonable, prudent, minimally
3 invasive gynecological surgical products engaged in the manufacture of said products, specifically
4 including products used for uterine morcellation;

5 n. placing and/or permitting the placement of the products used for uterine morcellation,
6 into the stream of commerce without warnings of the potential for said products to be harmful to
7 humans and/or without properly warning of said products' dangerousness;

8 o. failing to disclose to the medical community in an appropriate and timely manner,
9 facts relative to the potential of the products used for uterine morcellation to be harmful to humans;

10 p. failing to respond or react promptly and appropriately to reports of products used for
11 uterine morcellation causing harm to patients;

12 q. disregarding the safety of users and consumers of products used for uterine
13 morcellation, including plaintiff herein, under the circumstances by failing adequately to warn of
14 said products' potential harm to humans;

15 r. disregarding the safety of users and consumers of the products used for uterine
16 morcellation, including plaintiff herein, and/or her physicians and/or hospital, under the
17 circumstances by failing to withdraw said products from the market and/or restrict their usage;

18 s. disregarding publicity, government and/or industry studies, information,
19 documentation and recommendations, consumer complaints and reports and/or other information
20 regarding the hazards of the products used for uterine morcellation and their potential harm to
21 humans;

22 t. failing to exercise reasonable care in informing physicians and/or hospitals using the
23 products used for uterine morcellation about their own knowledge regarding said products' potential
24 harm to humans;

25 u. failing to remove products used for uterine morcellation from the stream of
26 commerce;

27 v. failing to test products used for uterine morcellation properly and/or adequately so as
28 to determine its safety for use;

1 w. promoting the products used for uterine morcellation as safe and/or safer than other
2 comparative methods of lesion removal;

3 x. promoting the products used for uterine morcellation on websites aimed at creating
4 user and consumer demand;

5 y. failing to conduct and/or respond to post-marketing surveillance of complications and
6 injuries.

7 z. failing to use due care under the circumstances; and,

8 aa. such other acts or omissions constituting negligence and carelessness as may appear
9 during the course of discovery or at the trial of this matter

10 23. As a direct and proximate result of the negligent and/or reckless and/or wanton acts
11 and/or omissions of Defendants, plaintiff suffered serious physical injury, pain and suffering and
12 severe mental and emotional distress and economic loss and harm.

13 WHEREFORE, plaintiffs pray for relief as set forth below.

14 **SECOND CAUSE OF ACTION FOR STRICT PRODUCTS LIABILITY**

15 **ON BEHALF OF SARAH SALEM-ROBINSON**

16 24. Paragraphs 1 through 23 are incorporated by this reference into this cause of action
17 as if they were set forth in full.

18 25. As a result of the unreasonably dangerous and defective condition of the products
19 used for uterine morcellation, including the Wolf Power Morcellator, which Defendants
20 manufactured, designed, labeled, marketed, distributed, supplied and/or sold, and/or placed into the
21 stream of commerce, they are strictly liable to the Plaintiffs for their injuries which they directly and
22 proximately caused, based on the following:

23 a. failing to properly and adequately design the products used for uterine morcellation;

24 b. failing to properly and adequately manufacture the products used for uterine
25 morcellation; and,

26 c. such other defects as shall be revealed in the course of discovery.

27 26. In addition, the aforesaid incident and Plaintiffs' injuries and losses were the direct
28 and proximate result of Defendants' manufacturing, designing, labeling, marketing, distributing,

1 supplying and/or selling and/or placing into the stream of commerce the products used for uterine
2 morcellation, without proper and adequate warnings regarding the potential for said products' harm
3 to humans and as otherwise set forth supra, when said Defendants knew or should have known of
4 the need for such warnings and/or recommendations.

5 WHEREFORE, plaintiffs pray for relief as forth below.

6 **THIRD CAUSE OF ACTION BREACH OF EXPRESS WARRANTY**

7 **ON BEHALF OF SARAH SALEM-ROBINSON**

8 27. Paragraphs 1 through 18 are incorporated by this reference into this cause of action
9 as if they were set forth in full.

10 28. In the advertising and marketing of the products used for uterine morcellation, which
11 was directed to both physicians and hospitals and consumers, Defendants warranted that said
12 product or products, were safe for the use, which had the natural tendency to induce physicians and
13 hospitals to use the same for patients and for patients to want to be treated with the same.

14 29. The aforesaid warranties were breached by Defendants in that the products used for
15 uterine morcellation constituted a serious danger to the user.

16 30. As a direct and proximate result of the negligent and/or reckless and/or wanton acts
17 and/or omissions of Defendants, plaintiff suffered serious physical injury, pain and suffering and
18 severe mental and emotional distress and economic loss and harm.

19 WHEREFORE, plaintiff pray for relief as set forth below.

20 **FOURTH CAUSE OF ACTION FOR BREACH OF IMPLIED WARRANTY**

21 **ON BEHALF OF SARAH SALEM-ROBINSON**

22 31. Paragraphs 1 through 18 are incorporated by this reference into this cause of action
23 as if they were set forth in full.

24 32. At all relevant and material times, Defendants manufactured, distributed, advertised,
25 promoted, and sold the foregoing products used for uterine morcellation.

26 33. At all relevant times, Defendants intended that the products used for uterine
27 morcellation be used in the manner that the Plaintiff's surgeons in fact used it and Defendants
28 impliedly warranted the product to be of merchantable quality, safe and fit for such use, and was

adequately tested.

34. Defendants breached various implied warranties with respect to the products used for uterine morcellation, including:

a. Defendants represented through their labeling, advertising, marketing materials, detail persons, seminar presentations, publications, notice letters, and regulatory submissions that the products used for uterine morcellation were safe, and withheld and concealed information about the substantial risks of serious injury and/or death associated with using the products used for uterine morcellation;

b. Defendant represented that the products used for uterine morcellation were as safe and/or safer than other alternative surgical approaches that did not include the use of the said products, and concealed information, which demonstrated that said products were not safer than alternatives available on the market; and,

c. Defendants represented that the products used for uterine morcellation were more efficacious than other alternative surgical approaches and techniques and concealed information, regarding the true efficacy of said products.

35. In reliance upon Defendants' implied warranty, Plaintiff's surgeons used said products as prescribed and in the foreseeable manner normally intended, recommended, promoted, instructed, and marketed by Defendant.

36. Defendants breached their implied warranty to Plaintiff in that said products used for uterine morcellation were not of merchantable quality, safe and fit for their intended use, or adequately tested.

37. As a direct and proximate result of the negligent and/or reckless and/or wanton acts and/or omissions of Defendants, plaintiff suffered serious physical injury, pain and suffering and severe mental and emotional distress and economic loss and harm.

WHEREFORE, plaintiffs pray for relief as set forth below.

FIFTH CAUSE OF ACTION FOR

FRAUDULENT MISREPRESENTATION AND OMISSION

38. Plaintiffs incorporate by this reference, as if fully set forth herein, each and every

1 allegation set forth in the preceding paragraphs.

2 39. Defendants, having undertaken the design, formulation, testing, manufacture,
3 marketing, sale, and distribution of devices used for uterine morcellation owed a duty to provide
4 accurate and complete information regarding said devices.

5 40. Prior to Plaintiff SARAH SALEM-ROBINSON undergoing her surgery Defendants
6 fraudulently misrepresented, that the use of their device for uterine morcellation was safe and
7 effective.

8 41. Defendants had a duty to provide plaintiff SARAH SALEM-ROBINSON,
9 physicians, and other consumers with true and accurate information regarding the devices for uterine
10 morcellation it manufactured, marketed, distributed and sold.

11 42. Defendants made representations and failed to disclose material facts with the intent
12 to induce consumers, including plaintiff, SARAH SALEM-ROBINSON, and the medical
13 community to act in reliance by purchasing and using the uterine morcellator sold by defendant.

14 43. Plaintiff SARAH SALEM-ROBINSON and the medical community justifiably relied
15 on Defendants' representations and omissions by purchasing and using the Wolf Power Morcellator
16 during plaintiff's hysterectomy.

17 44. Defendants' representations and omissions regarding use of its uterine morcellation
18 devices were a direct and proximate cause of plaintiffs' injuries.

19 45. As a direct and proximate result of the fraud of Defendants plaintiff suffered serious
20 physical injury, pain and suffering and severe mental and emotional distress and economic loss and
21 harm.

22 46. Because of Defendants' fraud as described herein, plaintiffs are entitled to an award
23 of punitive damages against Defendants.

24 WHEREFORE, plaintiffs pray for relief as set forth below.

25 **SIXTH CAUSE OF ACTION FOR LOSS OF SERVICES**

26 **ON BEHALF OF ALAN A. ROBINSON**

27 47. Paragraphs 1 through 18 are incorporated by this reference into this cause of action
28 as if they were set forth in full.

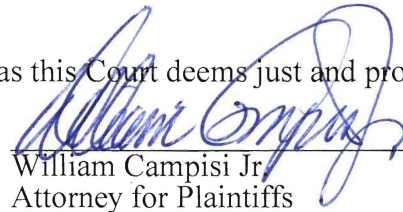
1 support of the plaintiff, SARAH SALEM-ROBINSON.

2 49. By reason of the foregoing acts and omissions by the defendants, plaintiff ALAN A.
3 ROBINSON, was deprived of the services, society, companionship, consortium and support of
4 plaintiff, SARAH SALEM-ROBINSON.

5 WHEREFORE, plaintiffs pray for relief as follows:

- 6 1. Compensatory damages in excess of the jurisdictional amount, including, but not
7 limited to pain, suffering, emotional distress, loss of enjoyment of life, loss of services, consortium,
8 society and other non-economic damages in an amount to be determined at trial of this action;
- 9 2. Economic damages in an amount to be determined at trial of this action;
- 10 3. Double or triple damages as allowed by law;
- 11 4. Restitution and disgorgement of profits;
- 12 5. Reasonable attorneys' fees;
- 13 6. Punitive damages;
- 14 7. The costs of these proceedings;
- 15 8. Prejudgment interest; and
- 16 9. Such other and further relief as this Court deems just and proper.

17 DATED: May 13, 2014



William Campisi Jr.
Attorney for Plaintiffs

JS 44 (Rev. 12/12) cand rev (1/15/13)

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

SARAH SALEM-ROBINSON and ALAN A. ROBINSON

DEFENDANTS

RICHARD WOLF MEDICAL INSTRUMENTS CORPORATION, and DOES 1-50

(b) County of Residence of First Listed Plaintiff Santa Clara County, CA
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant Lake County, Illinois
(IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

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

William Campisi Jr. SBN NO. 114690 Tel No. (510) 549-3112
LAW OFFICE OF WILLIAM CAMPISI JR. Fax No. (510) 549-9260
1932 Bonita Avenue; Berkeley, CA 94704 EM:campisi@campisi-law.com**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 checked="" 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 type="checkbox"/> 2 | <input checked="" 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 (Excludes 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 - Medical Malpractice	<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/Management 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 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <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

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 U.S.C. 1332

Brief description of cause:

Negligence, Strict Products Liability, Breach of Express and Implied Warranty, Fraud and Loss of Services

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

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

(See instructions):

JUDGE

DOCKET NUMBER

DATE

05/13/2014

SIGNATURE OF ATTORNEY OF RECORD

IX. DIVISIONAL ASSIGNMENT (Civil L.R. 3-2)

(Place an "X" in One Box Only)

☒ SAN FRANCISCO/OAKLAND ☐ SAN JOSE ☐ EUREKA