

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

**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:

Doris Jones

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

Alfred Jones, Sr.

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

N/A

1 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
2 the time of implant:

3 Georgia

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

6 Georgia

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

8 Georgia

9 7. District Court and Division in which venue would be proper absent direct filing:

10 Georgia Southern District Court, Savannah

11 8. Defendants (check Defendants against whom Complaint is made):

12 ☒ C.R. Bard Inc.

13 ☒ Bard Peripheral Vascular, Inc.

14 9. Basis of Jurisdiction:

15 ☒ Diversity of Citizenship

16 ☐ Other: _____

17 a. Other allegations of jurisdiction and venue not expressed in Master
18 Complaint:

19 _____
20 _____
21 _____

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®]X) Vena Cava Filter

☒ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

8/24/2010

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

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Georgia Law Prohibiting
Consumer Fraud and Unfair and Deceptive Trade Practices
- ☒ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☒ Other(s): All claims for Relief set forth in the Master Complaint for
an amount to be determined by the trier of fact including for the
following: (please state the facts supporting this Count in the space
immediately below)
- On or about August 24, 2010, Ms. Jones had a Bard Eclipse filter
installed into her inferior vena cava. On April 22, 2015, her device
fractured and embolized in her pulmonary artery. As a result, Ms. Jones
has suffered damages in an amount to be proven at trial.

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

1 RESPECTFULLY SUBMITTED this 22nd day of March, 2016.

2 **GALLAGHER & KENNEDY, P.A.**

3 By: /s/ Paul L. Stoller

4 Robert W. Boatman

5 Mark S. O'Connor

6 Paul L. Stoller

7 Shannon L. Clark

8 C. Lincoln Combs

9 2575 East Camelback Road

10 Phoenix, Arizona 85016-9225

11 *Attorneys for Plaintiffs*

12 **CERTIFICATE OF SERVICE**

13 I hereby certify that on this 22nd day of March, 2016, I electronically transmitted the
14 attached document to the Clerk's Office using the CM/ECF System for filing and transmittal
15 of a Notice of Electronic Filing.

16 /s/Deborah Yanazzo

17 5298555/26997-0031

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Civil Cover Sheet

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the District of Arizona.

The completed cover sheet must be printed directly to PDF and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff(s): Doris Jones ; Alfred Jones, Sr. **Defendant(s): C.R. Bard, Inc. and Bard Peripheral Vascular, Inc.**

County of Residence: Outside the State of Arizona County of Residence: Maricopa

County Where Claim For Relief Arose: Outside the State of Arizona

Plaintiff's Atty(s):

**Paul L. Stoller
Gallagher & Kennedy PA
2575 E. Camelback Road
Phoenix, Arizona 85016
602-530-8000**

Defendant's Atty(s):

II. Basis of Jurisdiction:

4. Diversity (complete item III)

III. Citizenship of Principal Parties (Diversity Cases Only)

Plaintiff: -2 Citizen of Another State
Defendant: -1 Citizen of This State

IV. Origin :

1. Original Proceeding

V. Nature of Suit:

365 Personal Injury - Product Liability

VI. Cause of Action:

28 USC 1332 Diversity - IVC filter medical device failed causing personal injury

VII. Requested in Complaint

Class Action: **No**
Dollar Demand:

Jury Demand: **Yes**

VIII. This case IS RELATED to Case Number **MDL 02641** assigned to Judge **David G. Campbell.**

Signature: s/ Paul L. Stoller

Date: 3/22/16

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, save this form as a PDF and include it as an attachment to your case opening documents.

Revised: 01/2014