UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF GEORGIA

ROME DIVISION

MELISSA SHIRLEY

Plaintiffs

v.

JOHNSON & JOHNSON;
MENTOR CORPORATION; and
MENTOR WORLDWIDE, LLC

Defendants

CASE NO.: 4:17-cv-90-HLM

COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

1. Strict Liability
2. Product Liability
3. Negligence
4. Breach of Express Warranty
5. Breach of Implied Warranty
6. Negligent Representation

Plaintiffs, by and through the undersigned counsel, hereby bring this Complaint for damages against the Defendants, and allege the following:

INTRODUCTION

1. This is an action for damages suffered by Plaintiff as a direct and proximate result of Defendants' negligent and wrongful conduct in connection with the design, development, manufacture, testing, packaging, promoting, marketing, advertising, distribution, labeling, and/or sale of MENTOR Saline Breast Implants, Catalog number: 350-1680.(Hereafter referred to as THE IMPLANTS" Plaintiff maintains that the Implants are defective, dangerous to human health, unfit and unsuitable to be marketed and sold in commerce, and lacked proper warnings

and directions as to the dangers associated with its use.

PARTIES

2. Plaintiff MELISSA SHIRLEY is a natural persons and at all relevant times a resident and citizens of WALKER County, Georgia. Plaintiff bring this action for personal injuries sustained by the use of The Implants. As a direct and proximate result of the negligent and defective Implants, Plaintiff has suffered injury in the form bio-toxin disease, sternal pain, mastodynia,, and mold infection manifested as enlarged lymph nodes.

3. Defendant Johnson & Johnson is a New Jersey corporation that has its principal place of business at One Johnson & Johnson Plaza, New Brunswick, Middlesex County, New Jersey 08933.

4. Defendant Johnson & Johnson has transacted and conducted business within the State of Georgia.

5. Defendant Johnson & Johnson has derived substantial revenue from goods and products used in the State of Georgia.

6. Defendant Johnson & Johnson expected or should have expected its acts to have consequences within the State of Georgia, and derived substantial revenue from interstate commerce.

7. Defendant Johnson & Johnson was engaged in the business of designing, developing, manufacturing, testing, packaging, promoting, marketing, distributing, labeling, and/or selling The Implants.

8. Defendant Mentor Corporation (MENTOR Corp.) was a company was organized under the laws of Minnesota.

9. Defendant MENTOR Corp has transacted and conducted business within the State of Georgia.

10. Defendant MENTOR Corp has derived substantial revenue from goods and products used in the State of Georgia.

11. Defendant MENTOR Corp expected or should have expected their acts to have consequences within the State of Georgia, and derived substantial revenue from interstate commerce.

12. At all times material hereto, Defendant MENTOR Corp was engaged in the business of designing, developing, manufacturing, testing, packaging, promoting, marketing, distributing, labeling, and/or selling The Implants.

13. Defendant MENTOR Corp is part of the Defendant Johnson & Johnson's "Family of Companies."

14. Defendant Mentor Worldwide, LLC. (hereinafter "Worldwide") is a Delaware corporation. It maintains a registered agent in Gwinnett County, Georgia.

15. Defendant Worldwidel has transacted and conducted business within the State of Georgia.

16. Defendant Worldwide has derived substantial revenue from goods and products used in the State of Georgia.

17. Defendant WORLDWIDE expected or should have expected their acts to have consequences within the State of Georgia, and derived substantial revenue from interstate commerce.

18. At all times material hereto, Defendant Worldwide was engaged in the business of designing, developing, manufacturing, testing, packaging, promoting, marketing, distributing, labeling, and/or selling The Implants.

19. Defendant Worldwide is a wholly owned subsidiary of Defendant Johnson & Johnson.

20. As used herein, "Defendants" includes all named Defendants.

21. Defendants are authorized to do business in Georgia and derive substantial income from doing business in this state.

22. Upon information and belief, Defendants purposefully availed themselves of the privilege of conducting activities with Georgia, thus invoking the benefits and protections of its laws.

23. Upon information and belief, Defendants did act together to design, sell, advertise, manufacture, inform medical providers and/or distribute The Implants with full knowledge of its dangerous and defective nature.

JURISDICTION AND VENUE

24. Plaintiff is a resident of Walker County, Georgia. The development of Plaintiff's

disease giving rise to this complaint occurred in Walker County, Georgia. Defendants are nonresident corporations. The amount in controversy is in excess of $75,000.00.

25. The defendants have availed themselves of the laws and protections of the state of Georgia.

26. The Defendants have sold, marketed and received revenue from the state of Georgia, and specifically Walker County, Georgia.

27. The Defendants are subject to the jurisdiction and venue of this court.

TIMELINESS OF SUIT

28. The statute of limitations on Plaintiff's claims were tolled until her implants were removed and the improper design defects, failures and compromise of the Implants were discovered on May 14, 2015. Her claim is brought within two years of that date, given the two year anniversary was on a Sunday and extended to Monday, June 15, 2017.

29. Plaintiff's claims are not subject to the statute of repose as her claims are for disease caused by a defective product.

30. Plaintiff's claims are timely filed.

FACTUAL ALLEGATION

31. At all relevant times, Defendants were in the business of and did design, research,

manufacture, test, advertise, promote, market, sell, distribute, and/or have acquired and are responsible for Defendants who have designed, researched, manufactured, tested, advertised, promoted, marketed, sold and distributed MENTOR Corp

32. Plaintiff underwent surgery to have The Implants installed on June 19, 2003 in Floyd County, Georgia. She developed severe disease process, which was diagnosed in 2015 as bio-toxin disease.

33. The Implants were removed surgically on May 14, 2015 and found to have defective valves, internal debris and determined to have been leaking.

FIRST CAUSE OF ACTION

[Strict Liability]

34. The Implants were defective at the time of its manufacture, development, production, testing, inspection, endorsement, prescription, sale and distribution in that warnings, instructions and directions accompanying The Implants failed to warn of the dangerous risks posed by The Implants, including the risk of developing severe autoimmune and toxicity diseases.

35. At all times alleged herein, The Implants was defective and Defendants knew that The Implants was to be used by consumers without inspection for defects. Moreover, Plaintiff, her prescribing physicians, and her health care providers neither knew nor had reason to know at the time of Plaintiff's use of The Implants of the aforementioned defects. Ordinary consumers would not have recognized the potential risks for which Defendants failed to include the

appropriate warnings.

36. At all times alleged herein, The Implants were prescribed to and used by Plaintiff as intended by Defendants and in a manner reasonably foreseeable to Defendants.

37. The design of The Implants was defective in that the risks associated with using The Implants outweighed any benefits of the design. Any benefits associated with the use of The Implants were either relatively minor or nonexistent and could have been obtained by the use of other, alternative treatments and products that could equally or more effectively reach similar results.

38. The defect in design existed when the product left Defendant's possession.

39. At the time The Implants left the control of Defendants, Defendants knew or should have known the risks associated with The Implants

40. As a result of The Implants defective condition, Plaintiff suffered the injuries and damages alleged herein.

SECOND CAUSE OF ACTION

[Product Liability - Failure to Warn]

41. Plaintiff re-alleges all prior paragraphs of the Complaint as if set out here in full.

42. Defendants have engaged in the business of selling, distributing, supplying, manufacturing, marketing, and/or promoting The Implants, and through that conduct have knowingly and intentionally placed The Implants into the stream of commerce with full

knowledge that they reach consumers such as Plaintiff..

43. Defendants did in fact sell, distribute, supply, manufacture, and/or promote The Implants to Plaintiff and to her prescribing physician. Additionally, Defendants expected the The Implants that they were selling, distributing, supplying, manufacturing, and/or promoting to reach - and The Implants did in fact reach - prescribing physicians and consumers, including Plaintiff and her prescribing physicians, without any substantial change in the condition of the product from where it was initially distributed by Defendants.

44. At all times herein mentioned, the aforesaid product was defective and unsafe in manufacture such that it was unreasonably dangerous to the user, and was so at the time it was distributed by Defendants and ingested by Plaintiff. The defective condition of The Implants was due in part to the fact that it was not accompanied by proper warnings regarding the possible side effect toxicity diseases.

45 This defect caused serious injury to Plaintiff, who used The Implants in its intended and foreseeable manner.

46. At all times herein mentioned, Defendants had a duty to properly design, manufacture, compound, test, inspect, package, label, distribute, market, examine, maintain supply, provide proper warnings, and take such steps to assure that the product did not cause users to suffer from unreasonable and dangerous side effects.

47. Defendants so negligently and recklessly labeled, distributed, and promoted the aforesaid product that it was dangerous and unsafe for the use and purpose for which it was

intended.

48. Defendants negligently and recklessly failed to warn of the nature and scope to the side effects associated with The Implants.

49. Defendants were aware of the probably consequences of the aforesaid conduct. Despite the fact that Defendants knew or should have known that The Implants caused serious injuries, they failed to exercise reasonable care to warn of the dangerous side effect of developing disease from The Implants use, even though this side effect was known or reasonably scientifically knowable at the time of distribution, Defendants willfully and deliberately failed to avoid the consequences associated with their failure to warn, and in doing so, Defendants acted with a conscious disregard for the safety of Plaintiff.

50. Plaintiff could not have discovered any defect in the subject product through the exercise of reasonable care.

51. Defendants, as the manufacturers and/or distributors of the subject product, are held to the level of knowledge of an expert in the field.

52. Plaintiff reasonably relied upon the skill, superior knowledge, and judgment of Defendants.

53. Had Defendants properly disclosed and communicated the risks and label changes associated with The Implants, Plaintiff would have avoided the risk of toxicity diseases by not using The Implants.

54. As a direct and proximate result of the carelessness, negligence, recklessness, and

gross negligence of Defendants alleged herein, and in such other ways to be later shown, the subject product caused Plaintiff to sustain injuries as herein alleged.

THIRD CAUSE OF ACTION

[Negligence]

55. Plaintiff re-alleges all prior paragraphs of the Complaint as if set out here in full.

56. At all times material hereto, Defendants had a duty to exercise reasonable care to consumers, including Plaintiff herein, in the design, development, manufacture, testing, inspection, packaging, promotion, marketing, distribution, labeling and/or sale of The Implants.

57. Defendants breached their duty of reasonable care to Plaintiff in that they negligently designed, promoted, marketed, distributed, and/or labeled the subject product.

58. Plaintiff's injuries and damages alleged herein were and are the direct and proximate result of the carelessness and negligence of Defendants, including, but not limited to, one or more of the following particulars:

a) In the design, development, research, manufacture, testing, packaging, promotion, marketing, sale and/or distribution of The Implants;

b) in the failing to warn or instruct, and/or adequately warn or adequately instruct, users of the subject product, including Plaintiff herein, of The Implants's dangerous and defective characteristics;

c) in the design, development, implementation, administration, supervision, and/or monitoring of clinical trials for the subject product;

d) in promoting the subject product in an overly aggressive deceitful, and fraudulent manner, despite evidence as to the product's defective and dangerous characteristics due to its propensity to cause toxicity diseases;

e) in representing that the subject product was safe for its intended use when, in fact, the product was unsafe for its intended use;

f) in failing to perform appropriate pre-market testing of the subject product;

g) in failing to perform appropriate post-market surveillance of the subject product;

h) in failing to adequately and properly test The Implants before and after placing it on the market;

I) in failing to conduct sufficient testing on The Implants which, if properly performed, would have shown that The Implants had the serious side effect leaking and causing toxicity diseases;

j) in failing to adequately warn Plaintiff and her healthcare providers that the use of The Implants carried a risk of developing toxicity diseases;

k) in failing to provide adequate post-marketing warnings or

instructions after Defendant knew or should have known of the significant risk of t toxicity diseases associated with the use of The Implants; and

l) in failing to adequately and timely inform Plaintiff and the healthcare industry of the risk of serious personal injury, namely toxicity diseases, from The Implants.

59. Defendants knew or should have known that consumers, such as Plaintiff herein, would foreseeably suffer injury as a result of Defendants' failure to exercise reasonable and ordinary care.

60. As a direct and proximate result of Defendants' carelessness and negligence, Plaintiff suffered severe and permanent physical and emotional injuries, including, but not limited to toxicity diseases . Plaintiff has endured pain and suffering, has suffered economic loss, including incurring significant expenses for medical care and treatment, and will continue to incur such expenses in the future. Plaintiff seeks actual and punitive damages from Defendants as alleged herein.

FOURTH CAUSE OF ACTION

[Breach of Express Warranty]

61. Plaintiff re-alleges all prior paragraphs of the Complaint as if set out here in full.

62. Before Plaintiff was first prescribed The Implants and during the period in which she used The Implants, Defendants had failed to directly notify Plaintiff's providers of the

dangers and label changes associated with The Implants and toxicity diseases.

63. The Implants did not conform to express representations of safety because The Implants was not safe and had an increased risk of serious side effects, toxicity diseases, whether taken individually or in conjunction with other therapies. This was not communicated directly to Plaintiff's providers.

64. As a direct and proximate result of this wrongful conduct, Plaintiff was injured as described above.

FIFTH CAUSE OF ACTION

[Breach of Implied Warranty]

65. Plaintiff re-alleges all prior paragraphs of the Complaint as if set out here in full.

66. At all times mentioned herein, Defendants manufactured, compounded, packaged, distributed, recommended, merchandised, advertised, promoted, supplied, and/or sold The Implants, and prior to the time that it was prescribed to Plaintiff, Defendants impliedly warranted to Plaintiff that the subject product was of merchantable quality and safe and fit for the use for which it was intended.

67. Plaintiff, individually and through her prescribing physicians, reasonably relied upon the skill, superior knowledge, and judgment of Defendants.

68. Plaintiff was prescribed, purchased, and used the subject product for its intended purpose.

69. Due to Defendant's wrongful conduct as alleged herein, Plaintiff could not have reasonably been expected to know about the nature of the risks and side effects associated with the subject product until after she used it.

70. Contrary to the implied warranty for the subject product, The Implants was not of merchantable quality, and it was neither safe nor fit for its intended uses and purposes, as alleged herein.

71. As a direct and proximate result of Defendants' breach of implied warranty, Plaintiff suffered severe and permanent physical and emotional injuries, including, but not limited to, toxicity diseases . Plaintiff has endured pain and suffering, has suffered economic loss, including incurring significant expenses for medical care and treatment, and will continue to incur such expenses in the future. Plaintiff has actual and punitive damages from Defendants as alleged herein.

SIXTH CAUSE OF ACTION

[Negligent Misrepresentation]

72. Plaintiff re-alleges all prior paragraphs of the Complaint as if set out here in full.

73. Defendants negligently and/or recklessly misrepresented to Plaintiff, her prescribing physicians, and the healthcare industry the safety and effectiveness of The Implants and/or recklessly and/or negligently concealed material information, including adverse information, regarding the safety, effectiveness, and dangers posed by The Implants.

74. Defendants made reckless or negligent misrepresentations and negligently or recklessly concealed adverse information when Defendants knew, or should have known, that The Implants had defects, dangers, and characteristics that were other than what Defendants had represented to Plaintiff, Plaintiff's physicians(s) and the healthcare industry generally.

75. These negligent or reckless misrepresentations and/or negligent or reckless failures to disclose were perpetuated directly and/or indirectly by Defendants.

76. Defendants should have known through the exercise of due care that these representations were false, and they made the representations without the exercise of due care leading to the deception of Plaintiff, her prescribing physicians, and the healthcare industry.

77. Defendants made these false representations without the exercise of due care knowing that is was reasonable and foreseeable that Plaintiff, her prescribing physicians, and the healthcare industry would rely on them, leading to the use of The Implants by Plaintiff as well as the general public.

78. At all times herein mentioned, neither Plaintiff nor her physicians were aware of the falsity or incompleteness of the statements being made by Defendants and believed them to be true. Had they been aware of said facts, her physicians would not have prescribed and Plaintiff would not have utilized the subject product.

79. Plaintiff justifiably relied on and/or was induced by Defendants' negligent or reckless misrepresentations and/or negligent or reckless failure to disclose the dangers of The Implants and relied on the absence of information regarding the dangers of The Implants which

Defendants negligently or recklessly suppressed, concealed, or failed to disclose to Plaintiff's detriment.

80. Defendants had a post-sale duty to warn Plaintiff, her prescribing physicians, and the general public about the potential risks and complications associated with The Implants in a timely manner.

81. As a result of the negligent or reckless concealment and/or the negligent or reckless failure to provide material facts set forth above, Plaintiff ingested The Implants and suffered injuries as set forth herein.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief and judgment against Defendants as follows:

a) For general (non-economic) and special (economic) damages in a sum in excess of $500,000;;

b) For medical, incidental, and hospital expenses according to proof;

c) For pre-judgment and post-judgment interest as provided by law;

d) For full refund of all purchase costs Plaintiff paid for The Implants;

e) For compensatory damages in excess of the jurisdictional minimum of this Court;

f) For consequential damages in excess of this jurisdictional minimum of this Court;

g) For attorney's fees, expenses, and costs of this action; and

h) For such other and further relief as this Court deems necessary, just and proper.

This 15th day of May, 2017.

GODDARD, HAMMONTREE & BOLDING, L.L.C.

/s/ ELECTONICALLY SIGNED
J. ALLEN HAMMONTREE
ATTORNEY FOR PLAINTIFFS
GA. STATE BAR NO. 321651

2716 Cleveland Hwy.
Dalton, Georgia 30721
(706) 278-0464

JS44 (Rev. 11/16 NDGA)

CIVIL COVER SHEET

The JS44 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 is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

I. (a) PLAINTIFF(S)

MELISSA SHIRLEY

DEFENDANT(S)

JOHNSON AND JOHNSON
MENTOR CORPORATION
MENTOR WORLDWIDE, LLC

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Walker County, GA
(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, TELEPHONE NUMBER, AND E-MAIL ADDRESS)

Allen Hammontree, Goddard, Hammontree & Bolding
2716 Cleveland Hwy., Dalton, GA 30721
(706)278-0464
ahammontree@ghbattorneys.com

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. GOVERNMENT PLAINTIFF
- ☐ 3 FEDERAL QUESTION (U.S. GOVERNMENT NOT A PARTY)
- ☐ 2 U.S. GOVERNMENT DEFENDANT
- ☑ 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)
(FOR DIVERSITY CASES ONLY)

PLF	DEF		PLF	DEF	
☑ 1	☐ 1	CITIZEN OF THIS STATE	☐ 4	☐ 4	INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE
☐ 2	☐ 2	CITIZEN OF ANOTHER STATE	☐ 5	☑ 5	INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE
☐ 3	☐ 3	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	☐ 6	☐ 6	FOREIGN NATION

IV. 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 District)
- ☐ 6 MULTIDISTRICT LITIGATION - TRANSFER
- ☐ 7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT
- ☐ 8 MULTIDISTRICT LITIGATION - DIRECT FILE

V. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE - DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Suit due to injuries and disease resulting from defective product.

(IF COMPLEX, CHECK REASON BELOW)

- ☐ 1. Unusually large number of parties.
- ☐ 2. Unusually large number of claims or defenses.
- ☐ 3. Factual issues are exceptionally complex
- ☐ 4. Greater than normal volume of evidence.
- ☐ 5. Extended discovery period is needed.
- ☐ 6. Problems locating or preserving evidence
- ☐ 7. Pending parallel investigations or actions by government.
- ☐ 8. Multiple use of experts.
- ☐ 9. Need for discovery outside United States boundaries.
- ☐ 10. Existence of highly technical issues and proof.

CONTINUED ON REVERSE

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT $_____ APPLYING IFP _____ MAG. JUDGE (IFP) _____

JUDGE _____ MAG. JUDGE _____ (Referral) NATURE OF SUIT _____ CAUSE OF ACTION _____

VI. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT - "0" MONTHS DISCOVERY TRACK
- ☐ 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- ☐ 152 RECOVERY OF DEFAULTED STUDENT LOANS (Excl. Veterans)
- ☐ 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS

CONTRACT - "4" MONTHS DISCOVERY TRACK
- ☐ 110 INSURANCE
- ☐ 120 MARINE
- ☐ 130 MILLER ACT
- ☐ 140 NEGOTIABLE INSTRUMENT
- ☐ 151 MEDICARE ACT
- ☐ 160 STOCKHOLDERS' SUITS
- ☐ 190 OTHER CONTRACT
- ☐ 195 CONTRACT PRODUCT LIABILITY
- ☐ 196 FRANCHISE

REAL PROPERTY - "4" MONTHS DISCOVERY TRACK
- ☐ 210 LAND CONDEMNATION
- ☐ 220 FORECLOSURE
- ☐ 230 RENT LEASE & EJECTMENT
- ☐ 240 TORTS TO LAND
- ☐ 245 TORT PRODUCT LIABILITY
- ☐ 290 ALL OTHER REAL PROPERTY

TORTS - PERSONAL INJURY - "4" MONTHS DISCOVERY TRACK
- ☐ 310 AIRPLANE
- ☐ 315 AIRPLANE PRODUCT LIABILITY
- ☐ 320 ASSAULT, LIBEL & SLANDER
- ☐ 330 FEDERAL EMPLOYERS' LIABILITY
- ☐ 340 MARINE
- ☐ 345 MARINE PRODUCT LIABILITY
- ☐ 350 MOTOR VEHICLE
- ☐ 355 MOTOR VEHICLE PRODUCT LIABILITY
- ☐ 360 OTHER PERSONAL INJURY
- ☐ 362 PERSONAL INJURY - MEDICAL MALPRACTICE
- ☑ 365 PERSONAL INJURY - PRODUCT LIABILITY
- ☐ 367 PERSONAL INJURY - HEALTH CARE/ PHARMACEUTICAL PRODUCT LIABILITY
- ☐ 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK
- ☐ 370 OTHER FRAUD
- ☐ 371 TRUTH IN LENDING
- ☐ 380 OTHER PERSONAL PROPERTY DAMAGE
- ☐ 385 PROPERTY DAMAGE PRODUCT LIABILITY

BANKRUPTCY - "0" MONTHS DISCOVERY TRACK
- ☐ 422 APPEAL 28 USC 158
- ☐ 423 WITHDRAWAL 28 USC 157

CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK
- ☐ 440 OTHER CIVIL RIGHTS
- ☐ 441 VOTING
- ☐ 442 EMPLOYMENT
- ☐ 443 HOUSING/ ACCOMMODATIONS
- ☐ 445 AMERICANS with DISABILITIES - Employment
- ☐ 446 AMERICANS with DISABILITIES - Other
- ☐ 448 EDUCATION

IMMIGRATION - "0" MONTHS DISCOVERY TRACK
- ☐ 462 NATURALIZATION APPLICATION
- ☐ 465 OTHER IMMIGRATION ACTIONS

PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK
- ☐ 463 HABEAS CORPUS- Alien Detainee
- ☐ 510 MOTIONS TO VACATE SENTENCE
- ☐ 530 HABEAS CORPUS
- ☐ 535 HABEAS CORPUS DEATH PENALTY
- ☐ 540 MANDAMUS & OTHER
- ☐ 550 CIVIL RIGHTS - Filed Pro se
- ☐ 555 PRISON CONDITION(S) - Filed Pro se
- ☐ 560 CIVIL DETAINEE: CONDITIONS OF CONFINEMENT

PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK
- ☐ 550 CIVIL RIGHTS - Filed by Counsel
- ☐ 555 PRISON CONDITION(S) - Filed by Counsel

FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK
- ☐ 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881
- ☐ 690 OTHER

LABOR - "4" MONTHS DISCOVERY TRACK
- ☐ 710 FAIR LABOR STANDARDS ACT
- ☐ 720 LABOR/MGMT. RELATIONS
- ☐ 740 RAILWAY LABOR ACT
- ☐ 751 FAMILY and MEDICAL LEAVE ACT
- ☐ 790 OTHER LABOR LITIGATION
- ☐ 791 EMPL. RET. INC. SECURITY ACT

PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK
- ☐ 820 COPYRIGHTS
- ☐ 840 TRADEMARK

PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK
- ☐ 830 PATENT

SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK
- ☐ 861 HIA (1395ff)
- ☐ 862 BLACK LUNG (923)
- ☐ 863 DIWC (405(g))
- ☐ 863 DIWW (405(g))
- ☐ 864 SSID TITLE XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK
- ☐ 870 TAXES (U.S. Plaintiff or Defendant)
- ☐ 871 IRS - THIRD PARTY 26 USC 7609

OTHER STATUTES - "4" MONTHS DISCOVERY TRACK
- ☐ 375 FALSE CLAIMS ACT
- ☐ 376 Qui Tam 31 USC 3729(a)
- ☐ 400 STATE REAPPORTIONMENT
- ☐ 430 BANKS AND BANKING
- ☐ 450 COMMERCE/ICC RATES/ETC.
- ☐ 460 DEPORTATION
- ☐ 470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
- ☐ 480 CONSUMER CREDIT
- ☐ 490 CABLE SATELLITE TV
- ☐ 890 OTHER STATUTORY ACTIONS
- ☐ 891 AGRICULTURAL ACTS
- ☐ 893 ENVIRONMENTAL MATTERS
- ☐ 895 FREEDOM OF INFORMATION ACT
- ☐ 899 ADMINISTRATIVE PROCEDURES ACT REVIEW OR APPEAL OF AGENCY DECISION
- ☐ 950 CONSTITUTIONALITY OF STATE STATUTES

OTHER STATUTES - "8" MONTHS DISCOVERY TRACK
- ☐ 410 ANTITRUST
- ☐ 850 SECURITIES / COMMODITIES / EXCHANGE

OTHER STATUTES - "0" MONTHS DISCOVERY TRACK
- ☐ 896 ARBITRATION (Confirm / Vacate / Order / Modify)

*** PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3**

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23 DEMAND $ $500,000

JURY DEMAND ☑ YES ☐ NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

VIII. RELATED/REFILED CASE(S) IF ANY

JUDGE_____ DOCKET NO._____

CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)
- ☐ 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- ☐ 2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- ☐ 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- ☐ 4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.
- ☐ 5. REPETITIVE CASES FILED BY PRO SE LITIGANTS.
- ☐ 6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S)):

- ☐ 7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. _____, WHICH WAS DISMISSED. This case ☐ IS ☐ IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.

SIGNATURE OF ATTORNEY OF RECORD DATE