

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

DOUGLAS L. DENDINGER

CIVIL ACTION NO.:

JUDGE:

Versus

MAGISTRATE:

**COVIDIEN LP, MEDTRONIC, INC.,
C.R. BARD, INC., DAVOL, INC., W.L.
GORE & ASSOCIATES, INC., AND
DOE DEFENDANTS**

JURY DEMANDED

COMPLAINT FOR DAMAGES

NOW INTO COURT, through undersigned counsel, comes Douglas L. Dendinger (hereinafter “Plaintiff” or “Dendinger”), and for his Complaint, alleges as follows:

THE PARTIES

1.

The defendants herein are:

- a. Covidien LP is a Delaware Limited Partnership and a subsidiary of Defendant Medtronic, Inc., with its principal place of business in Mansfield, Massachusetts.
- b. Medtronic, Inc. is a Minnesota corporation with its principal place of business in Minneapolis, Minnesota.
- c. C.R. Bard, Inc. is a Delaware corporation with its principal place of business in Murray Hill, New Jersey.
- d. Davol, Inc. is a Delaware corporation and a subsidiary of Defendant C.R. Bard, Inc., with its principal place of business in Warwick, Rhode Island.

e. W.L. Gore & Associates, Inc. is a Delaware corporation, with its principal place of business in Newark, Delaware.

f. Does 1 and 2 are persons or entities whose identities Plaintiff has been unable to ascertain and who, on information and belief, are responsible in some manner for the occurrences alleged in this Complaint.

g. Doe Insurance Companies 3 through 5 are, on information and belief, doing business within the Eastern District of Louisiana and whose names Plaintiff has been unable to ascertain.

JURISDICTION AND VENUE

2.

This Court has jurisdiction under 28 U.S.C. §§ 1332 because the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, and Plaintiff and Defendants are citizens of different states.

3.

Venue is proper in this district and division under 28 U.S.C.A. § 1391(b), because the underlying acts and conduct occurred in this district; and/or each defendant conducts its/his/her affairs in, or is an inhabitant of, resides in, or has an agent in this district. Specifically, Plaintiff alleges that the surgeries in suit occurred in this judicial district and that, on information and belief, Defendants conducted substantial business within this judicial district and have derived significant compensation and profits by doing business here.

GENERAL ALLEGATIONS COMMON TO ALL COUNTS

4.

On or about August 7, 2009, Plaintiff underwent a surgery to repair his left inguinal hernia at Tulane Medical Center. On information and belief, Plaintiff alleges that a tension-free Gore Tex patch was used as part of the surgery.

Further Surgeries

5.

Thereafter, on or about February 5, 2014, Plaintiff's underwent a further surgery to repair a large, right inguinal hernia. On information and belief, Plaintiff alleges that a Gore Micromesh Ref. # 1M4M18 Lot # 12039341 ("Gore Micromesh") was used as part of this surgery.

6.

Plaintiff is informed, believes, and thereon alleges that the above Gore-Tex patch and Gore Micromesh were designed, manufactured, distributed, recommended, merchandised, advertised, promoted, supplied and/or sold to distributors, physicians, hospitals and medical professionals in connection with hernia surgical procedures by Defendant W.L. Gore & Associates, Inc.

7.

Plaintiff alleges that the above second procedure (right side on February 5, 2014) failed within 8-10 weeks, thereby requiring a third surgery.

8.

Accordingly, on or about June 20, 2014, Plaintiff's right inguinal hernia was repaired, again. This time, Plaintiff's surgery involved the placement of a Covidien Parietex mesh (TECT 1510ADP2R, Lot # SNJ0071X) ("Covidien Mesh"). In addition, Plaintiff alleges that the Covidien Mesh was secured with a Bard SorbaFix Absorbable Fixation System (Ref # 0113115, Lot # HUYA1810) ("Bard System"). Plaintiff's third surgery was performed at St. Tammany Parish Hospital.

9.

On information and belief, Plaintiff alleges that the Covidien Mesh was designed, manufactured, distributed, recommended, merchandised, advertised, promoted, supplied and/or sold to distributors, physicians, hospitals and medical professionals in connection with hernia surgical procedures by Defendants Covidien LP and Medtronic, Inc., while the Bard System was manufactured and distributed by Defendants C.R. Bard, Inc. and Davol, Inc.

Swollen lymph nodes/The VA advises Plaintiff that he likely has cancer

10.

In early 2017, during Plaintiff's annual routine physical (at the Veteran's Administration Outpatient Clinic), Plaintiff informed his physician that he had been experiencing pain and a tightness/pulling sensation in the area of his previous two (2) hernia repair surgeries. In addition to these symptoms, Plaintiff reported a bulge in the area of his surgeries.

11.

In response to Plaintiff's report and after examination, Plaintiff's physician ordered a CT Scan.

12.

On or about March 2017, a Radiology Report (in connection with the above CT Scan) referenced "a mildly enlarged mesenteric lymph node", an "enlarged central mesenteric lymph node", as well as "mild enlarged periaortic and common iliac lymph nodes." On or about mid-March 2017, Plaintiff met with and was informed by his primary care physician that there were enlarged lymph nodes indicative of "metastatic disease or lymphoma." The meeting took approximately one (1) hour, after which they discussed assembling a team including a case manager and other health care practitioners, in anticipation that Plaintiff would be a cancer patient. After this meeting, Plaintiff's life was upended and transformed.

13.

During the ensuing weeks (approximately 6 weeks), Plaintiff underwent multiple tests requiring a number of visits to the VA. During this time, Plaintiff expected the worst: In his mind and based on the CT Scan and his Physician's discussion, he likely was suffering from cancer and, particularly frightening, the cancer had spread to vital organs. The outlook was not good, and a dark cloud hung over Plaintiff and his wife.

14.

During this period, Plaintiff underwent a series of blood tests, GI scopes, and a number of medical appointments. And there were many hours of waiting for the results and the ultimate “verdict.”

15.

On or about April 26, 2017, and after the visits, testing, and waiting, Plaintiff was informed by his primary care physician that his leukemia/lymphoma test came back “negative” and that he was cancer free. On or about April 26, 2017, Plaintiff underwent an endoscopy and, on or about May 12, 2017, a colonoscopy. In a discussion with his gastroenterologist, on or about May 12, 2017, and with the information that his lymph nodes were *not* cancerous, Plaintiff queried the gastroenterologist about his condition and its cause. The gastroenterologist opined that it was “the mesh.”

16.

Since April 2017, and despite the ruling out of cancer, Plaintiff has experienced a myriad of symptoms, including without limitation aches, pains, random bouts of fever, high blood pressure (for the first time in his life), an unexplained nerve/burning pains in his testicles and groin, and a sharply diminished libido. Plaintiff has, since early 2018, lost 10-15 pounds for no apparent reason and has a decreased appetite. Plaintiff has also experienced back pain and fatigue. He now becomes winded and exhausted when taking out the trash or walking to the mailbox, tasks that he could previously do without an issue. CT Scans continue to show swollen lymph nodes, and Plaintiff has a bulge on the right side of his abdomen, with a straining, pulling sensation from the area of the bulge to his right testicle with the slightest amount of exertion.

COUNT I

(Construction And Or Composition Defect Pursuant To LA. R.S. 9:2800.55)

17.

Plaintiff repeats, re-alleges, and incorporates by reference all of the preceding allegations of this Complaint.

18.

Pursuant to La. R.S. 9:280.55,

A product is unreasonably dangerous in construction or composition if, at the time the product left its manufacturer's control, the product deviated in a material way from the manufacturer's specifications or performance standards for the product or from otherwise identical products manufactured by the same manufacturer.

19.

Plaintiff alleges that products (mesh and adhesive) herein i) deviated in a material way from the manufacturers' specifications or performance standards for the product or from otherwise identical products manufactured by the same manufacturer when they left the manufacturers' control; and ii) the defects caused or contributed to Plaintiff's injuries, as more fully set forth herein.

20.

Plaintiff alleges that the danger to people including Plaintiff resulting from the construction or composition defects in the mesh and adhesive was foreseeable by Defendants.

21.

Plaintiff alleges that the above products were unreasonably dangerous in construction or composition pursuant to La. R.S. 9:2800.55 and damaged Plaintiff.

COUNT II

(Design Defect Pursuant To LA R.S. 9:2800.56)

22.

Plaintiff repeats, re-alleges, and incorporates by reference all of the preceding allegations of this Complaint.

23.

Pursuant to La. R.S. 9:2800.56,

A product is unreasonably dangerous in design if, at the time the product left its manufacturer's control: (1) There existed an alternative design for the product that was capable of preventing the claimant's damage; and (2) The likelihood that the product's design would cause the claimant's damage and the gravity of that damage outweighed the burden on the manufacturer of adopting such alternative design and the adverse effect, if any, of such alternative design on the utility of the product. An adequate warning about a product shall be considered in evaluating the likelihood of damage when the manufacturer has used reasonable care to provide the adequate warning to users and handlers of the product.

24.

Plaintiff alleges that i) there existed an alternative design for the products alleged herein that was capable of preventing Plaintiff's damage; and ii) the gravity of that damage suffered by Plaintiff outweighed the burden on the Defendants/manufacturers of adopting the alternative design.

25.

Plaintiff alleges that the danger to people including Plaintiff resulting from the design defects in the mesh and adhesive was foreseeable by Defendants.

26.

Plaintiff alleges that the above products were unreasonably dangerous in their design pursuant to La. R.S. 9:2800.56 and that such design defects caused damage Plaintiff.

COUNT III

(Inadequate Warning Pursuant to LA. R.S. 9:2800.57)

27.

Plaintiff repeats, re-alleges, and incorporates by reference all of the preceding allegations of this Complaint.

28.

Pursuant to La. R.S. 9:2800.57,

A product is unreasonably dangerous because an adequate warning about the product has not been provided if, at the time the product left its manufacturer's control, the product possessed a characteristic that may cause damage and the manufacturer failed to use reasonable care to

provide an adequate warning of such characteristic and its danger to users and handlers of the product . . . A manufacturer of a product who, after the product has left his control, acquires knowledge of a characteristic of the product that may cause damage and the danger of such characteristic, or who would have acquired such knowledge had he acted as a reasonably prudent manufacturer, is liable for damage caused by his subsequent failure to use reasonable care to provide an adequate warning of such characteristic and its danger to users and handlers of the product.

29.

Plaintiff alleges that i) the products in suit possessed a characteristic that may cause damage; ii) the manufacturers failed to use reasonable care to provide an adequate warning of such characteristic; and iii) the failures to warn caused injury to Plaintiff.

30.

Further, Plaintiff alleges that the Defendants/manufacturers 1) failed to warn his treating physicians, including Plaintiff's surgeons, of the risks associated with the products in suit; and 2) that such failures to warn caused Plaintiff's injuries.

31.

The danger to people including Plaintiff resulting from the lack of adequate warning related to the products in suit was foreseeable by Defendants.

32.

The products in suit are unreasonably dangerous because of the lack of adequate warning pursuant to La. R.S. 9:2800.57 and damaged to Plaintiff.

COUNT IV

(Breach Of Express Warranty Pursuant To LA. R.S. 9:2800.58)

33.

Plaintiff repeats, re-alleges, and incorporates by reference all of the preceding allegations of this Complaint.

34.

Pursuant to La. R.S. 9:2800.58,

A product is unreasonably dangerous when it does not conform to an express warranty made at any time by the manufacturer about the product if the express warranty has induced the claimant or another person or entity to use the product and the claimant's damage was proximately caused because the express was untrue.

35.

Plaintiff alleges that i) the manufacturers in suit made express warranties regarding their products; ii) Plaintiff was induced to use the products because of their warranties; iii) the products failed to conform to their express warranties; and iv) Plaintiff's damage was proximately caused because the express warranties were untrue.

36.

The danger to people including Plaintiff resulting from the failure to conform to express warranties related to the products in suit was foreseeable by Defendants.

37.

The products in suit are unreasonably dangerous because of the failure to conform to express warranties pursuant to La. R.S. 9:2800.58 and damaged Plaintiff.

COUNT V

(Negligence Under Louisiana State Law)

38.

Plaintiff repeats, re-alleges, and incorporates by reference all of the preceding allegations of this Complaint.

39.

Pursuant to Article 2315 of the Louisiana Code,

Every act whatever of man that causes damage to another obliges him by whose fault it happened to repair it.

40.

The above named defendants are jointly, severally and in solido liable to Plaintiff for the Louisiana State tort of negligence, as more fully set forth above.

41.

As a direct and proximate cause of the above, Plaintiff sustained injuries, including without limitation physical injury and, among other things, extreme anguish, and pain and suffering, all of which entitles Plaintiff to damages as more fully set forth below.

COUNT VI

(Redhibition Under Louisiana State Law)

42.

Plaintiff repeats, re-alleges, and incorporates by reference all of the preceding allegations of this Complaint.

43.

Pursuant to Article 2520 of the Louisiana Civil Code,

The seller warrants the buyer against redhibitory defects, or vices, in the thing sold. A defect is redhibitory when it renders the thing useless, or its use so inconvenient that it must be presumed that a buyer would not have bought the thing had he known of the defect. The existence of such a defect gives a buyer the right to obtain rescission of the sale. A defect is redhibitory also when, without rendering the thing totally useless, it diminishes its usefulness or its value so that it must be presumed that a buyer would still have bought it but for a lesser price. The existence of such a defect limits the right of a buyer to a reduction of the price.

44.

The above named defendants are jointly, severally and in solido liable to Plaintiff for the Louisiana State claim of redhibition, as more fully set forth above.

45.

As a direct and proximate cause of the above, Plaintiff sustained injuries, including without limitation physical injury and, among other things, extreme anguish, and pain and suffering, all of which entitles Plaintiff to damages as more fully set forth below.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment in his favor and against defendants, jointly and severally, as follows:

1. For compensatory general, special, and economic damages in an amount according to proof but not less than \$1 million;
2. For past, present, and future medical expenses;
3. For damages incurred to Plaintiff for his injuries, including without limitation physical and emotional pain and suffering, mental anguish, and loss of enjoyment of life;
4. For costs incurred herein; and
5. For such other and further relief as this court may deem just and proper.

RESPECTFULLY SUBMITTED BY:

s/ Philip J. Kaplan

Philip J. Kaplan (LA State Bar # 14415)
LAW OFFICES OF PHILIP J. KAPLAN
3278 Wilshire Blvd., Suite 106
Los Angeles, CA 90010
Phone: (213) 480-8981
Fax: (213) 480-8941
Email: philipkaplan@ca.rr.com

Attorney for Plaintiff
Douglas L. Dendinger

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial in this action pursuant to Federal Rules of Civil Procedure, Rule 38.

RESPECTFULLY SUBMITTED BY:

s/ Philip J. Kaplan

Philip J. Kaplan (LA State Bar # 14415)
LAW OFFICES OF PHILIP J. KAPLAN
3278 Wilshire Blvd., Suite 106
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Phone: (213) 480-8981
Fax: (213) 480-8941
Email: philipkaplan@ca.rr.com

Attorney for Plaintiff
Douglas L. Dendinger

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

DOUGLAS L. DENDINGER

(b) County of Residence of First Listed Plaintiff Washington Parish

(EXCEPT IN U.S. PLAINTIFF CASES)

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

Philip J. Kaplan, TA (#14415), Law Offices of Philip J. Kaplan, 3278 Wilshire Blvd., Suite #106, Los Angeles, CA 90010; Tel. 213/480-8981

DEFENDANTS

COVIDIEN LP, MEDTRONIC, INC., C.R. BAIRD, INC., DAVOL, INC., W.L. GORE & ASSOCIATES, INC., AND DOE DEFENDANTS

County of Residence of First Listed Defendant Bristol County, MA

(IN U.S. PLAINTIFF CASES ONLY)

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

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 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 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)

Click here for: Nature of Suit Code Descriptions.

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	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input checked="" 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"/> 835 Patent - Abbreviated New Drug Application <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"/> 376 Qui Tam (31 USC 3729(a)) <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 Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <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 - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. Section 1332 -- Diversity of citizenship

Brief description of cause:

Plaintiff suffered damages related to defective mesh and fastener in connection with hernia repair surgeries**VII. REQUESTED IN COMPLAINT:**
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$Not less than \$1 million

CHECK YES only if demanded in complaint:

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

(See instructions):

JUDGE

DOCKET NUMBER

DATE April 23, 2018 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT

for the

Eastern District of Louisiana

DOUGLAS L. DENDINGER

Plaintiff(s)

v.

COVIDIEN LP, MEDTRONIC, INC., C.R. BARD, INC.,
DAVOL, INC., W.L. GORE & ASSOCIATES, INC., AND
DOE DEFENDANTS*Defendant(s)*

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* C.R. Bard, Inc. through
Jean F. Holloway
730 Central Avenue
Murray Hill, NJ 07974

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Philip J. Kaplan, Esq.
LAW OFFICES OF PHILIP J. KAPLAN
3278 Wilshire Blvd., Suite 106
Los Angeles, CA 90010
Tel. 213/480-8981

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Eastern District of Louisiana

DOUGLAS L. DENDINGER

Plaintiff(s)

v.

COVIDIEN LP, MEDTRONIC, INC., C.R. BARD, INC.,
DAVOL, INC., W.L. GORE & ASSOCIATES, INC., AND
DOE DEFENDANTS*Defendant(s)*

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Covidien LP
15 Hampshire Street
Mansfield, MA 02048

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Philip J. Kaplan, Esq.
LAW OFFICES OF PHILIP J. KAPLAN
3278 Wilshire Blvd., Suite 106
Los Angeles, CA 90010
Tel. 213/480-8981

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Eastern District of Louisiana

DOUGLAS L. DENDINGER

Plaintiff(s)

v.

COVIDIEN LP, MEDTRONIC, INC., C.R. BARD, INC.,
DAVOL, INC., W.L. GORE & ASSOCIATES, INC., AND
DOE DEFENDANTS*Defendant(s)*

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Davol, Inc. through
 CT Corporation
 450 Veterans Memorial Pkwy, Suite 7A
 East Providence, RI 02914

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Philip J. Kaplan, Esq.
 LAW OFFICES OF PHILIP J. KAPLAN
 3278 Wilshire Blvd., Suite 106
 Los Angeles, CA 90010
 Tel. 213/480-8981

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____ , a person of suitable age and discretion who resides there,
 on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Eastern District of Louisiana

DOUGLAS L. DENDINGER

Plaintiff(s)

v.

COVIDIEN LP, MEDTRONIC, INC., C.R. BARD, INC.,
DAVOL, INC., W.L. GORE & ASSOCIATES, INC., AND
DOE DEFENDANTS*Defendant(s)*

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Medtronic, Inc.
 710 Medtronic Parkway
 Minneapolis, MN 55432-5604

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Philip J. Kaplan, Esq.
 LAW OFFICES OF PHILIP J. KAPLAN
 3278 Wilshire Blvd., Suite 106
 Los Angeles, CA 90010
 Tel. 213/480-8981

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Eastern District of Louisiana

DOUGLAS L. DENDINGER

Plaintiff(s)

v.

COVIDIEN LP, MEDTRONIC, INC., C.R. BARD, INC.,
DAVOL, INC., W.L. GORE & ASSOCIATES, INC., AND
DOE DEFENDANTS*Defendant(s)*

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* W.L. Gore & Associates, Inc.
555 Paper Mill Rd.
Newark, DE 19711

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Philip J. Kaplan, Esq.
LAW OFFICES OF PHILIP J. KAPLAN
3278 Wilshire Blvd., Suite 106
Los Angeles, CA 90010
Tel. 213/480-8981

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

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 _____ , a person of suitable age and discretion who resides there,
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Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: