UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE: ALLERGAN BIOCELL TEXTURED BREAST IMPLANT PRODUCTS LIABILITY LITIGATION Plaintiff[s]: JODY CRAFT Case No.:	MDL NO. 2921 Honorable Brian R. Martinotti District Court Judge Honorable Joseph A. Dickson Magistrate Judge MASTER SHORT-FORM COMPLAINT FOR PERSONAL INJURIES, DAMAGES AND DEMAND FOR JURY TRIAL

1. Plaintiff(s) JODY CRAFT, hereby state and incorporate by reference all of the allegations contained in Plaintiffs' Master Long Form Complaint For Personal Injuries, Damages and Demand For Jury Trial ("Master Complaint") as permitted by Case Management Order No. 17 for cases filed directly into this district.

2. In addition to the below-indicated portions of the Master Complaint adopted by the plaintiff(s) and incorporated by reference herein, Plaintiff(s) hereby allege(s) as follows:

IDENTIFICATION OF PLAINTIFFS AND RELATED INTERESTED PARTIES

3. Name and current residence of individual who is alleged to have suffered personal injuries and related damages due to implantation of one or more Biocell Textured Breast Implant medical devices ("Biocell"): JODY CRAFT, 218 E. Harrison Street, Maumee, OH 43537.

4. Consortium Claim(s): Name and current residence of individual(s) alleging damages for loss of consortium:

5. If a survival and/or wrongful death claim is asserted:

Name and residence of Decedent when she suffered Biocell-related injuries and/or death:

_____
_____
_____
_____

Name and current residence of the individual(s) bringing the claims on behalf of the decedent's estate, and status (i.e., personal representative, administrator, next of kin, successor in interest, etc.):

_____
_____
_____
_____

VENUE

6. Plaintiff[s] allege that venue for remand and trial is proper in the following federal judicial district:

Central District of California – Southern Division

DEVICE IDENTIFICATION

7. [Plaintiff/Decedent] used the following Biocell device[s], which Plaintiff contends caused her injury(ies). Check all that apply and provide all dates of implant and explant:

□ **NATRELLE Silicone-filled Breast Implants** □ **Style 110** □ **Style 115** □ **Style 120** **Date[s] of Implant:** **Date[s] of Explant (if any):**	□ **NATRELLE Saline-Filled Breast Implants** □ **Style 163** □ **Style 168** □ **Style 363** □ **Style 468** **Date[s] of Implant:** **Date[s] of Explant (if any):**
☒ **NATRELLE 410 Highly Cohesive Anatomically Shaped Silicone-Filled Breast Implants** □ **Style LL**	□ **NATRELLE INSPIRA Silicone-Filled Breast Implants** □ **Style TRL** □ **Style TRLP** □ **Style TRM**

□ **Style LM** □ **Style LF** □ **Style LX** □ **Style ML** □ **Style MM** □ **Style MF** ☒ **Style MX** □ **Style FL** □ **Style FM** □ **Style FF** □ **Style FX** **Date[s] of Implant:** **11/19/2013** **Date[s] of Explant (if any): N/A**	□ **Style TRF** □ **Style TRX** □ **Style TSL** □ **Style TSLP** □ **Style TSM** □ **Style TSF** □ **Style TSX** □ **Style TCL** □ **Style TCLP** □ **Style TCM** □ **Style TCF** □ **Style TCX** **Date[s] of Implant:** **Date[s] of Explant (if any):**
□ **McGhan BioDIMENSIONAL® Silicone-Filled BIOCELL® Textured Breast Implants, Style 153** **Date[s] of Implant:** **Date[s] of Explant (if any):**	□ **NATRELLE Dual-Gel Breast Implants** □ **Style LX** □ **Style MX** □ **Style FX.** **Date[s] of Implant:** **Date[s] of Explant (if any):**
□ **NATRELLE Komuro Breast Implants** □ **Style KML** □ **Style KMM** □ **Style KLL** □ **Style RLM** **Date[s] of Implant:** **Date[s] of Explant (if any):**	□ **NATRELLE Ritz Princess Breast Implants** □ **Style RML** □ **Style RMM** □ **Style RFL** □ **Style RFM** **Date[s] of Implant:** **Date[s] of Explant (if any):**
□ **NATRELLE 150 Full Height and Short Height double lumen implants.** **Date[s] of Implant:** **Date[s] of Explant (if any):**	□ **NATRELLE 133 Plus Tissue Expander** **Date[s] of Implant:** **Date[s] of Explant (if any):**
□ **NATRELLE 133 Tissue Expander with Suture Tabs**	□ **OTHER (Please describe):**

Date[s] of Implant: **Date[s] of Explant (if any):**	**Date[s] of Implant:** **Date[s] of Explant (if any):**

PLAINTIFF'S BIOCELL-RELATED INJURIES

8. Plaintiff[s] allege that one or more Biocell devices caused personal injuries and damages including but not limited to the following:

Plaintiff was implanted with BIOCELL Textured Breast Implants and suffered, or will suffer, painful removal procedures as well as any treatment, therapy, recovery, and expense associated with the removal of the BIOCELL Textured Breast Implants, the potential for the development of BIA-ALCL, and any condition or symptoms associated with BIA-ALCL or the prevention of that issue. Additionally, Plaintiff suffered scarring, disfigurement, debilitating physical pain and mental suffering, was/will be required to undergo additional surgeries and other procedures, incurred substantial hospital, medical, nursing and pharmaceutical expenses therefrom; suffered emotional distress, anxiety, depression and disability; loss of earnings; and loss of quality of life, and all of these injuries are permanent and continuing.

9. Approximate date of Biocell-device related injury:

Plaintiff is uncertain of the precise date when she started having damage or injury from the implants. Plaintiff learned of the product recall due to the increased risk of lymphoma in August 2019.

10. Has Plaintiff or Plaintiff's decedent ever been diagnosed with BIA-ALCL:

☐Yes
☒ No

a. If Yes, date of diagnosis: _____

CAUSES OF ACTION

11. The following claims asserted in the *Master Complaint* are herein adopted by Plaintiff(s):

☒Count I: Strict Liability – Manufacturing Defect
☒Count II: Negligent Manufacturing
☒Count III: General Negligence
☒Count IV: Strict Liability Failure to Warn
☒Count V: Negligent Failure to Warn
☒Count VI: Negligent Misrepresentation
☒Count VII: Breach of Implied Warranty of Merchantability
☒Count VIII: Breach of Express Warranty

☒Count IX: Strict Liability Design Defect
☒Count X: Negligent Design
☐Count XI: Survivorship and Wrongful Death
☐Count XII: Loss of Consortium
☒Count XIII: Punitive Damages

☒Other Claims and factual basis therefore:

Counts VII and VIII: Plaintiff can establish privity with Defendant. Alternatively, Plaintiff can establish that she falls into an exception to a privity requirement. Plaintiff relied on Defendant's warranties contained in written labels and dealt directly with Defendant through the exchange of warranty and recall information. Alternatively, Plaintiff was a foreseeable third party beneficiary of Defendant's sale of BIOCELL products to her physician. Plaintiff is not required to give notice to Defendant, a remote manufacturer. Alternatively, Plaintiff satisfied all notice requirements when she notified her physician of her desire to habe her implants removed due to the increased risk of BIA-ALCL. Defendant's received notice prior to the filing of Plaintiff's complaint when the injuries, type of plaintiff and source of claims were identified in the Master Personal Injury Complaint [ECF No. 119].

OTHER DEFENDANTS

12. Plaintiff(s) further bring claims against the following additional Defendants not named in the *Master Complaint*:

a. Additional Defendant(s):

Additional Defendant 1: _____

Additional Defendant 2: _____

Additional Defendant 3: _____

Additional Defendant 4: _____

b. Address(es) of Additional Defendants:

Address of Defendant 1: _____

Address of Defendant 2: _____

Address of Defendant 3: _____

Address of Defendant 4: _____

c. Short and Plain Statement of Factual Allegations against Additional Defendants:

_____
_____
_____
_____
_____

d. Claims asserted against Additional Defendants:

_____

_____

_____

_____

WHEREFORE, Plaintiff(s) pray(s) for relief and demand(s) a trial by jury as set forth in the Plaintiffs' Master Personal Injury Long Form Complaint in MDL 2921 in the United States District Court for the District of New Jersey.

Date: **10/8/2020**

Attorney Name**: Peter L. Kaufman**

Attorney Firm: **Panish Shea & Boyle, LLP**

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