

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: DAVOL, INC./C.R. BARD, INC.,  
POLYPROPYLENE HERNIA MESH  
PRODUCTS LIABILITY LITIGATION

Case No. 2:18-md-2846

CHIEF JUDGE EDMUND A. SARGUS, JR.  
Magistrate Judge Kimberly A. Jolson

This document relates to:

Nathaniel Bowman

Civil Action No. \_\_\_\_\_

**SHORT FORM COMPLAINT**

Plaintiff(s) file(s) this Short Form Complaint pursuant to Case Management Order No. 9  
and is/are to be bound by the rights, protections, and privileges and obligations of that Order.  
Plaintiff(s) hereby incorporate(s) the Master Complaint in MDL No. 2846 by reference.  
Plaintiff(s) further show(s) the Court as follows:

1. The name of the person implanted with Defendants' Hernia Mesh Device(s):  
Nathaniel Bowman
2. The name of any Consortium Plaintiff (if applicable):  
N/A
3. Other Plaintiff(s) and Capacity (i.e., administrator, executor, guardian, conservator):  
N/A
4. State of Residence:  
Minnesota
5. District Court and Division in which action would have been filed absent direct filing:  
United States District Court for the District of Minnesota

6. Defendants (Check Defendants against whom Complaint is made):

- A. Davol, Inc.
- B. C.R. Bard, Inc.
- C. Other (please list: \_\_\_\_\_)

7. Identify which of Defendants' Hernia Mesh Device(s) was/were implanted (Check device(s) implanted):

- 3DMax Mesh
- 3DMax Light Mesh
- Bard (Marlex) Mesh Dart
- Bard Mesh
- Bard *Soft* Mesh
- Composix
- Composix E/X
- Composix Kugel Hernia Patch
- Composix L/P
- Kugel Hernia Patch
- Marlex
- Modified Kugel Hernia Patch
- Perfix Light Plug
- PerFix Plug
- Sepramesh IP
- Sperma-Tex
- Ventralex Hernia Patch
- Ventralex ST Patch

- Ventralight ST
- Ventrío Patch
- Ventrío ST
- Visilex
- Other (please list in space provided below):

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8. Defendants' Hernia Mesh Device(s) about which Plaintiff is making a claim (Check applicable device(s)):

- 3DMax Mesh
- 3DMax Light Mesh
- Bard (Marlex) Mesh Dart
- Bard Mesh
- Bard *Soft* Mesh
- Composix
- Composix E/X
- Composix Kugel Hernia Patch
- Composix L/P
- Kugel Hernia Patch
- Marlex
- Modified Kugel Hernia Patch
- Perfix Light Plug
- PerFix Plug

- Sepramesh IP
- Sperma-Tex
- Ventralex Hernia Patch
- Ventralex ST Patch
- Ventralight ST
- Ventrion Patch
- Ventrion ST
- Visilex
- Other (please list in space provided below):

\_\_\_\_\_  
\_\_\_\_\_

9. Date of Implantation and state of implantation: 6/23/2010, MN & 3/26/2021, MN

10. As of the date of filing this Short Form Complaint, has the person implanted with Defendants' Hernia Mesh Device(s) had subsequent surgical intervention due to the Hernia Mesh Device(s)?: Yes  No

11. Basis of Jurisdiction:

- Diversity of Citizenship
- Other: \_\_\_\_\_

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

- Count I – Strict Product Liability- Defective Design
- Count II – Strict Product Liability- Failure to Warn
- Count III – Strict Product Liability- Manufacturing Defect
- Count IV – Negligence

- Count V– Negligence Per Se
- Count VI– Gross Negligence
- Count VII – State Consumer Protection Laws (Please identify applicable State Consumer Protection law(s)):

Minn. Stat. § 325D.44, § 325F.71, § 544.41

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- Count VIII – Breach of Implied Warranty
- Count IX – Breach of Express Warranty
- Count X – Negligent Infliction of Emotional Distress
- Count XI – Intentional Infliction of Emotional Distress
- Count XII – Negligent Misrepresentation
- Count XIII – Fraud and Fraudulent Misrepresentation
- Count XIV – Fraudulent Concealment
- Count XV – Wrongful Death
- Count XVI – Loss of Consortium
- Count XVII – Punitive Damages
- Other Count(s) (please identify and state factual and legal bases for other claims not included in the Master Complaint below):

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- Jury Trial is Demanded as to All Counts
- Jury Trial is NOT Demanded as to All Counts; if Jury Trial is Demanded as to Any Count(s), identify which ones (list below):

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s/ Silvino John Diaz

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Attorney(s) for Plaintiff

Address, phone number, email address and bar information:

NS PR Law Services LLC  
1302 Ponce de Leon Ave.  
Santurce, PR 00907  
(212) 397-1000  
sdiaz@nspirlaw.com  
Bar#: USDC-PR 308503

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

Nathaniel Bowman

(b) County of Residence of First Listed Plaintiff Swift County, MN (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Silvino John Diaz - NS PR Law Services LLC 1302 Ave. Ponce de Leon, Santurce, PR 00907

DEFENDANTS

C.R. Bard, Inc. and Bard Davol, Inc.

County of Residence of First Listed Defendant Union, NJ (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)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and business location (Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation).

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER 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 - 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. 1392(a) Brief description of cause: Product Defect- personal injury- Hernia Mesh

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 10,000,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: X Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE Edmund A. Sargus, Jr DOCKET NUMBER 2:18-md-2846

DATE 03/21/2025 SIGNATURE OF ATTORNEY OF RECORD /s/ Silvino John Diaz

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- Date and Attorney Signature.** Date and sign the civil cover sheet.