

**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

**SECOND 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:

Jackson Benson

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

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

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

Minnesota

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

Minnesota

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

Minnesota

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

2
3 United States District Court - District of Minnesota

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

5 X C.R. Bard Inc.

6 X Bard Peripheral Vascular, Inc.

7 9. Basis of Jurisdiction:

8 X Diversity of Citizenship

9 Other: _____

10 a. Other allegations of jurisdiction and venue not expressed in Master
11 Complaint:

12 _____
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14 _____

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

17 X Recovery® Vena Cava Filter

18 G2® Vena Cava Filter

19 G2® Express Vena Cava Filter

20 G2® X Vena Cava Filter

Eclipse® Vena Cava Filter

Meridian® Vena Cava Filter

1 Denali® Vena Cava Filter

2 Other: _____

3 11. Date of Implantation as to each product:

4 February 5, 2004

5 _____

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

7 X Count I: Strict Products Liability – Manufacturing Defect

8 X Count II: Strict Products Liability – Information Defect (Failure to
9 Warn)

10 X Count III: Strict Products Liability – Design Defect

11 X Count IV: Negligence - Design

12 X Count V: Negligence - Manufacture

13 Count VI: Negligence – Failure to Recall/Retrofit

14 X Count VII: Negligence – Failure to Warn

15 Count VIII: Negligent Misrepresentation

16 X Count IX: Negligence *Per Se*

17 X Count X: Breach of Express Warranty

18 X Count XI: Breach of Implied Warranty

19 X Count XII: Fraudulent Misrepresentation

20 X Count XIII: Fraudulent Concealment

 X Count XIV: Violations of Applicable _____ (insert state) Law

 Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

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- Count XV: Loss of Consortium
- Count XVI: Wrongful Death
- Count XVII: Survival
- Punitive Damages
- Other(s): _____ (please state the facts supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

- Yes
- No

RESPECTFULLY SUBMITTED this 31st day of May, 2016.

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LAW OFFICES OF BEN C. MARTIN

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COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of May, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Ben C. Martin
Ben C. Martin