1 2 3 4 5	Attorney First Last (AZ #/Admitted Pro Hac Vice) Firm Name Address City, State Zip Phone: Fax: Email:		
6	IN THE UNITED STAT	TES DISTRICT COURT	
7	FOR THE DISTRI	ICT OF ARIZONA	
8	IN RE: Bard Implanted Port Catheter Products Liability Litigation	MDL No. 3081	
9 10	THIS DOCUMENT RELATES TO:	MASTER SHORT-FORM COMPLAINT AND JURY TRIAL DEMAND	
11		DEMAND	
12	Plaintiff(s),		
13	v.		
14	Becton Dickinson and Company, et al.,		
15	Defendants.		
16			
17	Plaintiff(s) named below, for their Complaint against Defendants named below		
18	incorporate(s) by reference the Master Long-Form Complaint in MDL 3081 (Dkt)		
19	Pursuant to Case Management Order No, this Short-Form Complaint adopts the		
20	allegations, claims, and relief as set forth in the Master Long-Form Complaint. As set forth		
21	below, Plaintiff(s) may include (a) additional claims and allegations against Defendants.		
22	as set forth in Paragraph 15 or an additional sheet attached hereto; and/or (b) additional		
23	claims and allegations against other Defendants, as set forth in Paragraph 5 or an additional		
24	sheet attached hereto. Plaintiff(s) further allege(s) as follows:		
25	I. <u>PLAINTIFF(S)</u>		
26	1. Name of Plaintiff/Decedent imp	lanted with Bard Implanted Port Catheter	
27	Product ("Device") (first, middle,	and last name):	
28			

1		2.	Name of Plaintiff/Decedent's spouse (if bringing a loss-of-consortium claim):	
2				
3		3.	Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator,	
4			representative, survivor, etc.), if any:	
5				
6	II.	<u>Dl</u>	EFENDANT(S)	
7		4.	Plaintiff(s) name(s) the following Defendant(s) in this action:	
8			☐ Becton, Dickinson and Company	
9			☐ C.R. Bard, Inc.	
10			☐ Bard Access Systems, Inc.	
11			☐ Bard Peripheral Vascular, Inc.	
12		5.	Plaintiff(s) contend(s) that additional parties may be liable or responsible for	
13			Plaintiff(s)' damages alleged herein. Such additional parties and their	
14			citizenship are as follows:	
15				
16				
17				
18	III.	<u>J</u>	URISDICTION AND VENUE	
19		6.	City and State of domicile of each Plaintiff at time of filing Plaintiff(s)' initial	
20			Complaint:	
21				
22		7.	City and State of residence of Plaintiff/Decedent at the time of Device	
23			placement:	
24				
25		8.	City and State of residence of Plaintiff/Decedent at the time of alleged injury	
26			for which a claim is asserted:	
27				
28				

1	9. Basis for jurisdiction:		
2	☐ Diversity of citizenship (28 U.S.C. § 1332(a))		
3	☐ Other:		
4	a. Other allegations of jurisdiction and venue not expressed in Master		
5	Complaint:		
6			
7			
8	10. Designated forum (United States District Court and Division, if applicable) in		
9	which Plaintiff asserts personal jurisdiction and venue would be proper absent		
10	direct filing:		
11			
12	IV. PRODUCT USE AND INJURY		
13	11. Plaintiff/Decedent was implanted with the following Device(s) and alleges that		
14	the Device(s) caused their injuries ¹ :		
15	☐ BardPort M.R.I. Implantable Port		
16	☐ BardPort M.R.I. Low-Profile Implantable Port		
17	☐ BardPort Titanium Dome Implantable Port		
18	☐ BardPort Titanium Implantable Port		
19	☐ M.R.I. Plastic Dual Lumen Port		
20	☐ M.R.I. Ultra SlimPort Implantable Port		
21	☐ Peritoneal Titanium Port		
22	☐ PowerFlow Implantable Apheresis IV Port		
23	☐ PowerPort ClearVUE isp Implantable Port		
24	☐ PowerPort ClearVUE Slim Implantable Port		
25			
26	1 IDEFENDANTS? DDODOSAL I Chaok all that apply		
27	¹ [DEFENDANTS' PROPOSAL] Check all that apply.		
28	[PLAINTIFFS' PROPOSAL] Check all that apply. See Exhibit A for additional information regarding the corresponding model numbers/product codes for these Devices.		

1	☐ PowerPort duo M.R.I. Implantable Port		
2	☐ PowerPort Implantable Port		
3	☐ PowerPort isp Implantable Port		
4	☐ PowerPort isp M.R.I. Implantable Port		
5	☐ PowerPort M.R.I. Implantable Port		
6	☐ PowerPort Slim Implantable Port		
7	☐ PowerPort VUE M.R.I. Implantable Port		
8	☐ PowerPort VUE Titanium Implantable Port		
9	☐ SlimPort Dual-Lumen Rosenblatt Implantable Port		
10	☐ Titanium Low-Profile Port		
11	☐ Titanium SlimPort Implantable Port		
12	☐ Vaccess CT Low-Profile Titanium Power-Injectable Port		
13	☐ Vaccess CT Power-Injectable Implantable Port		
14	☐ X-Port isp M.R.I. Implantable Port		
15	☐ X-Port Low-Profile Titanium Port		
16	☐ Other:		
17	[PLAINTIFFS' PROPOSAL]		
18	12. Date(s) of implantation as to the foregoing Device(s):		
19			
20			
21	13. Model number(s)/product code(s), if available, for the foregoing Device(s):		
22			
23			
24	14. Complication(s) alleged to have occurred from use of the foregoing Device(s):		
25	☐ Catheter fracture		
26	☐ Infection		
27	☐ Thrombosis		
28	□ Other:		
- 1			

1	[DEFENDANTS' PROPOSAL]	
2	For the Device(s) identified in Paragraph 11 above, provide	e the following:
3	Product code(s):	
4	or	□ Unknown
5	Lot number(s):	
6	or	□ Unknown
7	Date(s) of implant:	
8		
9	Date(s) of explant:	
10	or	☐ Not Applicable
11		
12	12. Complication(s) alleged to have occurred with Defen	dants' Device (briefly
13	describe the nature of the complication(s) alleged to	have been suffered by
14	Plaintiff in the space below, e.g., catheter fracture, infec	tion, or thrombosis):
15		
16		
17		
18		
19		
20	13. For each complication alleged by Plaintiff in Paragraph	12 above, state the date
21	and circumstances upon which Plaintiff first learned of the	ne alleged complication
22	(briefly describe in the space below):	
23		
24		
25		
26		
27		
28		

1	14. For each complication alleged by Plaintiff in Paragraph 13 above, state the	
2	injuries Plaintiff alleges to have suffered (briefly describe in the space below):	
3		
4		
5		
6		
7		
8	V. <u>CAUSES OF ACTION</u>	
9	15. Plaintiff(s) adopt(s) in this Short-Form Complaint the following claims and	
0	allegations asserted in the Master Long-Form Complaint:	
1	☐ Count I: Design Defect – Strict Liability	
2	☐ Count II: Design Defect – Negligence	
3	☐ Count III: Failure to Warn/Instruct – Strict Liability	
4	☐ Count IV: Failure to Warn/Instruct – Negligence	
5	☐ Count V: Manufacturing Defect – Strict Liability	
6	☐ Count VI: Manufacturing Defect – Negligence	
17	☐ Count VII: Breach of Express Warranty	
8	☐ Count VIII: Breach of Implied Warranty	
9	☐ Count IX: Negligent Misrepresentation	
20	☐ Count X: Fraudulent Misrepresentation	
21	☐ Count XI: Fraudulent Concealment	
22	☐ Count XII: Consumer Fraud and/or Unfair and Deceptive Trade Practices	
23	☐ Count XIII: Unjust Enrichment	
24	☐ Count XIV: Loss of Consortium	
25	☐ Count XV: Wrongful Death	
26	☐ Count XVI: Survival	
27	☐ Count XVII: Successor Liability	
28	☐ Timeliness and Tolling of Statutes of Limitation and Repose	

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1	☐ Punitive Damages		
2	☐ Count XVIII: Other		
3	If additional claim(s) against Defendant(s) are alleged in Count XVIII		
4	above, the facts supporting such claim(s) must be pleaded. Plaintiff(s)		
5	assert(s) the following factual allegations:		
6			
7			
8			
9			
10			
11			
12	16. Jury Trial demanded for all issues so triable?		
13	□ Yes		
14	\square No		
15			
16	WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants and		
17	all such further relief that this Court deems equitable and just as set forth in the Master		
18	Long Form Complaint and Jury Demand and any additional relief to which Plaintiff(s)		
19	may be entitled.		
20			
21	Dated: Respectfully submitted,		
22	<u>/s/</u>		
23	Attorney First Last (AZ # /Admitted Pro Hac Vice)		
24	(AZ #/Admitted Pro Hac Vice) Firm Name Address		
25	City, State Zip		
26	Phone: Fax:		
27	Email:		
28			

[PLAINTIFFS' PROPOSAL] <u>EXHIBIT A</u>

Brand Name	Model Number/Product Code
	0602610, 0602620, 0602640, 0602650,
D1D4-M-D-I J111 D4	0602660, 0602670, 0602680, 0602690,
BardPort M.R.I. Implantable Port	0602830, 0602833, 0602840, 0602843,
	0605400, 0605420, 0607173
BardPort M.R.I. Low-Profile	0603830, 0603840, 0603870, 0603880,
Implantable Port	6603880
BardPort Titanium Dome Implantable	0.00050 0.00000 0.00070
Port	0602850, 0602860, 0602870
	0602230, 0602240, 0602270, 0602290,
D = 10 = 14 T/4 = 1 = 1 = 1 = 14 = 1.1 = D = 14	0603000, 0602820, 0605300, 0605320,
ardPort Titanium Implantable Port	0607301, 0607302, 0602210, 0602260,
	0602280, 0602810
MDIDL (D II D)	0603500, 0605920, 0605930, 0607100,
M.R.I. Plastic Dual Lumen Port	0607200, 0615460
M.R.I. Ultra SlimPort Implantable Port	0605640, 0655640
Peritoneal Titanium Port	0603000, 0603006
PowerFlow Implantable Apheresis IV	4.5100.62
Port	A710962
	1606052, 1606062, 1606362, 1606382,
	1608052, 1608062, 1608362, 1608382,
PowerPort ClearVUE isp Implantable	1666362, 1668362, 1676300, 5606362,
Port	5608062, 5608362, 5666362, 5668362,
	CP00004

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27	26		1878001, 1878070, 1878071
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	1716000, 1716001, 1716070, 1716071,	
owerPort Slim Implantable Port	1716080, 1718000, 1718001, 1718070,	
Towerrort Simi implantable rort	1718500, 1718501, 1718570, 1718571,	
	CP00008	
PowerPort VUE M.R.I. Implantable Port	1806052, 1806062, 1808052, 1808062	
PowerPort VUE Titanium Implantable	1700052 1700002 1700002	
Port	1706052, 1706062, 1708052, 1708062	
SlimPort Dual-Lumen Rosenblatt		
Implantable Port	0604970, 0624970, 0654970	
	0602180, 0602190, 0605490, 0605510,	
Titanium Low-Profile Port	0606100, 0606150, 0606200	
Titanium SlimPort Implantable Port	0605550, 0605560, 0655510	
Vaccess CT Low-Profile Titanium	7360000, 7360001, 7380000	
Power-Injectable Port		
Vaccess CT Power-Injectable	7460000, 7480000, 7496000	
Implantable Port		
	0607500, 0607510, 0607520, 0607530,	
V Darking M D I In 1 4 11 D 4	0607540, 0607550, 0607555, 0657500,	
X-Port isp M.R.I. Implantable Port	0657510, 0657520, 0657525, 7707540,	
	7757540	
X-Port Low-Profile Titanium Port	0655870, 0605840, 0605850	