

**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:

December Faye Klock

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:

Mississippi

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

Mississippi

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

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

United States District Court - Southern District of Mississippi

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

C.R. Bard Inc.

Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

Diversity of Citizenship

Other: \_\_\_\_\_

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

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

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

Recovery<sup>®</sup> Vena Cava Filter

G2<sup>®</sup> Vena Cava Filter

G2<sup>®</sup> Express Vena Cava Filter

G2<sup>®</sup> X Vena Cava Filter

Eclipse<sup>®</sup> Vena Cava Filter

Meridian<sup>®</sup> Vena Cava Filter

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- Denali® Vena Cava Filter
- Other: \_\_\_\_\_

11. Date of Implantation as to each product:  
March 13, 2014  
\_\_\_\_\_

12. Counts in the Master Complaint brought by Plaintiff(s):
- X Count I: Strict Products Liability – Manufacturing Defect
  - X Count II: Strict Products Liability – Information Defect (Failure to Warn)
  - X Count III: Strict Products Liability – Design Defect
  - X Count IV: Negligence - Design
  - X Count V: Negligence - Manufacture
  - Count VI: Negligence – Failure to Recall/Retrofit
  - X Count VII: Negligence – Failure to Warn
  - Count VIII: Negligent Misrepresentation
  - X Count IX: Negligence *Per Se*
  - X Count X: Breach of Express Warranty
  - X Count XI: Breach of Implied Warranty
  - X Count XII: Fraudulent Misrepresentation
  - 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)

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13. Jury Trial demanded for all issues so triable?

- Yes
- No

RESPECTFULLY SUBMITTED this 31<sup>st</sup> day of May, 2016.

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**LAW OFFICES OF BEN C. MARTIN**

By: /s/ Ben C. Martin  
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COUNSEL FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

I hereby certify that on this 31<sup>st</sup> 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