

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

IN RE: COOK MEDICAL, INC., PELVIC REPAIR  
SYSTEM PRODUCTS LIABILITY LITIGATION

MDL No. 2440

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THIS DOCUMENT RELATES TO ALL CASES

**PRETRIAL ORDER # 41**

**(Revised** Short Form Complaint and Amended Short Form Complaint  
re: Addition of Neomedic Entities and Removal of Ethicon, LLC)

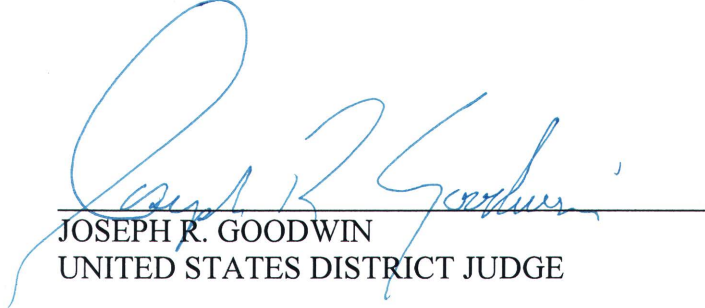
I recently entered a PTO in the Ethicon MDL dismissing Ethicon, LLC pursuant to the agreement of the parties. In addition, with the assignment of the Neomedic MDL by the Judicial Panel on Multidistrict Litigation, MDL 2511, four Neomedic entities have been added to the Short Form and Amended Short Form Complaints. As a result, attached are a **revised** (1) Short Form Complaint (Exhibit A); and a **revised** (2) Amended Short Form Complaint (Exhibit B) that reflect the above revisions to the Short Form and Amended Short Form Complaints in this MDL.

It is **ORDERED** as follows:

- (1) While PTO ##s 13 and 14 remain in force and effect where applicable, parties filing Short Form Complaints in new cases or Amended Short Form Complaints in existing cases, where appropriate, **must use the revised forms attached to this PTO and located on the court's website beginning no later than June 5, 2014.**

The court **DIRECTS** the Clerk to file a copy of this order in 2:13-md-2440 and it shall apply to each member related case previously transferred to, removed to, or filed in this district, which includes counsel in all member cases up to and including civil action number 2:14-cv-16923. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at [www.wvsd.uscourts.gov](http://www.wvsd.uscourts.gov).

ENTER: May 29, 2014



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE



- B. Cook Biotech, Inc.
- C. Cook Medical, Inc.
- D. American Medical Systems, Inc. (“AMS”)
- E. Ethicon, Inc.
- F. Johnson & Johnson
- G. Boston Scientific Corporation
- H. C. R. Bard, Inc. (“Bard”)
- I. Sofradim Production SAS (“Sofradim”)
- J. Tissue Science Laboratories Limited (“TSL”)
- K. Mentor Worldwide LLC
- L. Coloplast Corp.
- M. Desarrollo e Investigación Médica Aragonesa, S.L. (“DIMA”)
- N. Neomedic International, S.L.
- O. Neomedic Inc.
- P. Specialties Remeex International, S.L.

7. Basis of Jurisdiction

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

A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

B. Other allegations of jurisdiction and venue

[Redacted area]

8. Defendants' products implanted in Plaintiff (Check products implanted in Plaintiff)

- A. Biodesign® or Surgisis® Tension-Free Urethral Sling;
- B. Biodesign® or Surgisis® Urethral Sling;
- C. Stratasis™ Urethral Sling;
- D. Biodesign® or Surgisis® Anterior Pelvic Floor Graft;
- E. Biodesign® or Surgisis® Posterior Pelvic Floor Graft;
- F. Biodesign® or Surgisis® 4-Layer Tissue Graft;
- G. Biodesign® or Surgisis® 1-Layer Tissue Graft;
- H. Biodesign® or Surgisis® 8-Layer Tissue Graft;
- I. Biodesign® or Surgisis® Vaginal Erosion Repair Graft;
- J. Biodesign® or Surgisis® Peyronie's Repair Graft;
- K. Cook Pelvic Repair Product(s), specific product name(s) unknown at present;
- L. Non-Cook Pelvic Repair Product(s) known as \_\_\_\_\_; and/or
- M. Other: \_\_\_\_\_

9. Defendants' Products about which Plaintiff is making a claim. (Check applicable products)

- A. Biodesign® or Surgisis® Tension-Free Urethral Sling;
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- M. Other: \_\_\_\_\_  
\_\_\_\_\_

10. Date of Implantation as to Each Product

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

11. Hospital(s) where Plaintiff was implanted (including City and State)

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

12. Implanting Surgeon(s)

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

13. Counts in the Master Complaint brought by Plaintiff(s)


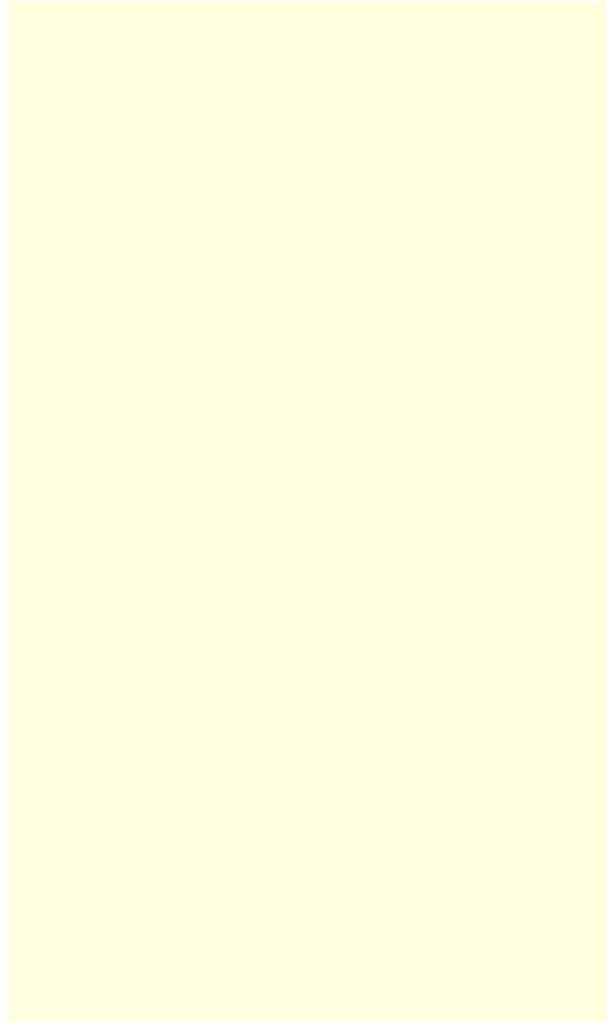
- Count I - Negligence
- Count II - Strict Liability – Manufacturing Defect
- Count III - Strict Liability – Failure to Warn

- Count IV - Strict Liability – Defective Product
- Count V - Strict Liability – Design Defect
- Count VI – Common Law Fraud
- Count VII - Fraudulent Concealment
- Count VIII - Constructive Fraud
- Count IX - Negligent Misrepresentation
- Count X - Breach of Express Warranty
- Count XI - Breach of Implied Warranty
- Count XII - Violation of Consumer Protection Laws
- Count XIII - Gross Negligence
- Count XIV - Unjust Enrichment
- Count XV - (By the Spouse) – Loss of Consortium
- Count XVI - Punitive Damages
- Count XVII - Discovery Rule and Tolling
- Other  (please state the facts supporting this Count in the space, immediately below)


s/

Attorney(s) for Plaintiff

Address, phone number, email address and bar information:

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

*In Re: Cook Medical, Inc.,  
Pelvic Repair System Products Liability Litigation*  
**MDL No. 2440**  
Civil Action No. [REDACTED]

**AMENDED SHORT FORM COMPLAINT**

Come now the Plaintiff(s) named below, and for their Complaint against the Defendants named below, incorporate the Master Complaint in MDL No. 2440 by reference. Plaintiff(s) further show the court as follows:

- 1. Female Plaintiff

[REDACTED]

- 2. Plaintiff Spouse (if applicable)

[REDACTED]

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

[REDACTED]

- 4. State of Residence

[REDACTED]

- 5. District Court and Division in which venue would be proper absent direct filing

[REDACTED]

[REDACTED]

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

A. Cook Incorporated

- B. Cook Biotech, Inc.
- C. Cook Medical, Inc.
- D. American Medical Systems, Inc. (“AMS”)
- E. Ethicon, Inc.
- F. Johnson & Johnson
- G. Boston Scientific Corporation
- H. C. R. Bard, Inc. (“Bard”)
- I. Sofradim Production SAS (“Sofradim”)
- J. Tissue Science Laboratories Limited (“TSL”)
- K. Mentor Worldwide LLC
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10. Date of Implantation as to Each Product

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11. Hospital(s) where Plaintiff was implanted (including City and State)

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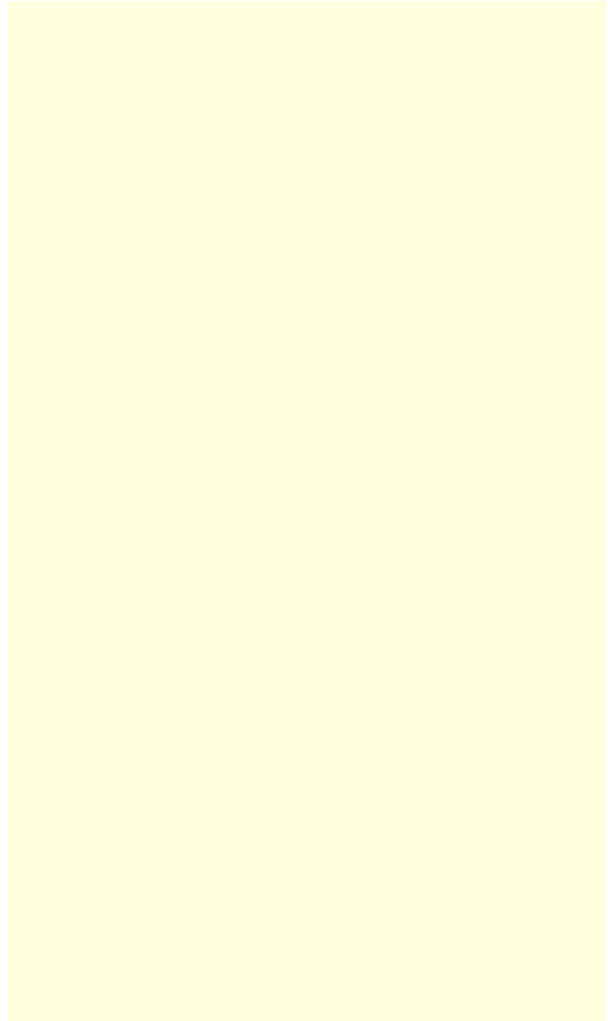
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