**UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF MASSACHUSETTS**

|  |  |
| --- | --- |
| **IN RE: COVIDIEN HERNIA MESH PRODUCTS LIABILITY LITIGATION NO. II,**  **This Document Relates To:**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | **MDL No. 1:22-md-03029-PBS** |

**SHORT FORM COMPLAINT**

Plaintiff(s) file(s) this Short Form Complaint pursuant to Case Management Order No. 7 and is 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. 3029 by reference. Plaintiff(s) further show(s) the Court as follows:

1. The name of Plaintiff/the person implanted with Defendants’ Hernia Mesh Device(s):

1. The name of any Consortium Plaintiff (if applicable):

1. Other Plaintiff(s) and Capacity (i.e., administrator, executor, guardian, conservator):

1. Current State of Residence:

1. District Court and Division in which action would have been filed absent direct filing:

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

A. Covidien LP

B. Sofradim Production SAS

C. Other (please list: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

1. Identify which of Defendants’ Hernia Mesh Device(s) was/were implanted (Check all device(s) implanted):

Dextile Anatomical Mesh

Parietene DS Mesh

Parietene Polypropylene Mesh

Parietene Progrip Mesh

Parietex Composite Mesh

Parietex Composite Mono PM Mesh

Parietex Composite PCO-OS or PCO-OB Mesh

Parietex Composite Ventral Patch

Parietex Hydrophilic 2D Mesh

Parietex Hydrophilic 3D Mesh

Parietex Hydrophilic Anatomical Mesh

Parietex Monofilament Polyester Mesh

Parietex Optimized Composite Mesh

Parietex Plug & Patch

Parietex ProGrip

ProGrip Laparoscopic

SurgiPro

SurgiPro Plug & Patch

Symbotex Composite Mesh

Other (please list in space provided below):

1. Defendants’ Hernia Mesh Device(s) about which Plaintiff is making a claim (Check all applicable device(s)):

Dextile Anatomical Mesh

Parietene DS Mesh

Parietene Polypropylene Mesh

Parietene Progrip Mesh

Parietex Composite Mesh

Parietex Composite Mono PM Mesh

Parietex Composite PCO-OS or PCO-OB Mesh

Parietex Composite Ventral Patch

Parietex Hydrophilic 2D Mesh

Parietex Hydrophilic 3D Mesh

Parietex Hydrophilic Anatomical Mesh

Parietex Monofilament Polyester Mesh

Parietex Optimized Composite Mesh

Parietex Plug & Patch

Parietex ProGrip

ProGrip Laparoscopic

SurgiPro

SurgiPro Plug & Patch

Symbotex Composite Mesh

Other (please list in space provided below):

1. Date of Implantation and State of Implantation (if multiple devices, list date of implantation for each device and list the device implanted on such date):

1. 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\_\_\_\_
2. Basis of Jurisdiction:

Diversity of Citizenship

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

1. 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)):

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):

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):

Respectfully submitted,

**Attorneys for Plaintiff**