

**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 \_\_\_\_\_  
13 \_\_\_\_\_  
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)

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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**

By: /s/ 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