UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: ETHICON PHYSIOMESH FLEXIBLE COMPOSITE HERNIA MESH PRODUCTS LIABILITY LITIGATION	:	MDL DOCKET NO. 2782 ALL CASES CIVIL ACTION NO. 1:17-MD-02782-RWS

PRACTICE AND PROCEDURE ORDER NO. 10

Plaintiff Fact Sheet and Defendant Fact Sheet

The Plaintiff Fact Sheet attached hereto as Exhibit A, and the Defendant Fact Sheet attached hereto as Exhibit B, are hereby adopted for use in cases selected for the Initial Discovery Pool pursuant to Practice and Procedure Order No. 7. It is further **ORDERED** as follows:

a. For any case selected for inclusion in the Initial Discovery Pool, Plaintiffs shall serve completed Plaintiff Fact Sheets pursuant to the deadlines set forth in Practice and Procedure Order No. 7. Defendants shall serve completed Defendant Fact Sheets for the Initial Discovery Pool cases pursuant to the deadlines set forth in in Practice and Procedure Order No. 7.

b. The Plaintiff Fact Sheet attached as Exhibit A and Defendant Fact Sheet attached as Exhibit B shall be used only for the Initial Discovery Pool cases. To the extent larger numbers of cases are selected for case-specific discovery in the future, the parties shall meet-and-confer in an effort to make agreed-upon modifications to the Plaintiff and Defendant Fact Sheets that would be necessary to address the burdens associated with completing such forms for a larger number of cases.

c. Pursuant to the agreement of the Parties, all Plaintiff Fact Sheets described in this Order shall be completed electronically and served to the Parties using the Ankura Consulting Group, LLC ("Ankura") "MDLOnline" system. Any responsive documentation shall also be uploaded using MDLOnline. Counsel for Plaintiff are required establish an MDLOnline account by selecting "Sign Up" at https://mdl-2782.mdl.online/. Instructions for establishing an Ankura MDL Online account and using the Ankura MDLOnline system should be directed to physiomesh_plaintiffs@ankura.com.

d. Ankura shall maintain a secure, confidential and searchable database available to Defendants, Plaintiffs, and the third-party records vendor retained by the parties to obtain the records specified in the

authorizations from the records custodians. The manner in which each Party accesses or utilizes the data and the database shall be strictly confidential and not disclosed in any manner by Ankura.

e. Every Plaintiff in the Initial Discovery Pool is required to provide Defendants with a Plaintiff Fact Sheet that is substantially complete in all respects, answering every question in the Plaintiff Fact Sheet, even if a Plaintiff can answer the questions in good faith only be indicating "not applicable." If a Plaintiff is suing in a representative or derivative capacity, the Plaintiff Fact Sheet shall be completed by the person with the legal authority to represent the estate or person under legal disability.

f. Defendants are required to provide Plaintiff, in his or her specific case, with a Defendant Fact Sheet that is substantially complete in all respects, answering every question in the Defendant Fact Sheet, even if Defendants can answer the questions in good faith only be indicating "not applicable."

g. The Plaintiff Fact Sheet shall be completed without objections as to the question posed in the Plaintiff Fact Sheet. This section does not prohibit a Plaintiff from withholding or redacting information from medical or other records provided with the Plaintiff Fact Sheet based upon a

recognized privilege. If information is withheld or redacted on the basis of privilege, Plaintiff shall provide Defendants with a privilege log that complies with Rule 26(b)(5).

h. The Defendant Fact Sheet shall be completed without objections as to the question posed in the Defendant Fact Sheet. This section does not prohibit Defendants from withholding or redacting information from medical or other records provided with the Defendant Fact Sheet based upon a recognized privilege. If a document that specifically pertains to the Plaintiff at issue in a particular Defendant Fact Sheet is withheld or redacted on the basis of privilege, Defendants shall provide Plaintiff, in his or her specific case, with a privilege log that complies with Rule 26(b)(5).

i. Neither the Plaintiff Fact Sheet nor the Defendant Fact Sheet will be interpreted to limit the scope of inquiry at depositions nor will they affect whether evidence is admissible at trial. The admissibility of information in the Plaintiff Fact Sheet and Defendant Fact Sheet is governed by the Federal Rules of Evidence, and objections to admissibility are not waived by virtue of the completion and service of a Plaintiff Fact Sheet or Defendant Fact Sheet.

j. Consistent with their obligations under Federal Rule of Civil Procedure 26(e), the parties are under a continuing obligation to timely supplement or amend Plaintiff Fact Sheets and Defendant Fact Sheets and responsive documentation.

k. In any case where a deposition of the Plaintiff is scheduled, Plaintiff must submit any supplement and/or amendments, to the extent applicable and to the extent the material is within the Plaintiff's or his/her attorney's possession, at least 21 days before the date of Plaintiff's deposition.

l. Any Plaintiff who undergoes revision surgery or other surgical procedure related to the claims at issue in the case after completing and serving a Plaintiff Fact Sheet must complete and serve an updated Plaintiff Fact Sheet (including providing any additional responsive documentation) within 90 days after the date of the surgery or 90 days after Plaintiff's counsel becomes aware of such surgery or procedure, whichever is later.

m. Any Plaintiff who fails to fully comply with the requirements above shall be provided written notice served via e-mail on Plaintiff's counsel or record within 10 days of receipt of a Plaintiff Fact Sheet of such failure and shall be provided 14 additional days to cure such deficiency ("Cure Period") to be calculated from the receipt of such notice of deficiency

from counsel for the Defendants. This letter shall include sufficient detail for the Parties to meet and confer regarding the alleged deficiencies. Additional time may be agreed-upon, taking into account the nature of the deficiency and the amount of time reasonably necessary to cure the deficiency.

n. If Defendants fail to fully comply with the requirements above, Plaintiffs shall provide written notice within 10 days of receipt of a Defendant Fact Sheet of such failure and Defendants shall be provided 14 additional days to cure such deficiency ("Cure Period") to be calculated from the receipt of such notice of deficiency from counsel for the Plaintiffs. This letter shall include sufficient detail for the Parties to meet and confer regarding the alleged deficiencies. Additional time may be agreed-upon, taking into account the nature of the deficiency and the amount of time reasonably necessary to cure the deficiency.

o. Other than as set forth herein, ***no other extensions will be granted unless agreed to by all Parties. Requests for extensions of time to serve the Plaintiff Fact Sheets should be submitted to Defendants via MDLOnline. Requests for extensions of time to serve the Defendant Fact Sheets should be submitted to Plaintiff's Lead Counsel.***

p. ***If either party fails to cure the deficiency within the Cure Period (or such additional time as may be agreed upon by the parties), the other party may file an appropriate Motion, including a Motion to Dismiss, without any further efforts to meet-and-confer and without any need to obtain leave of Court.***

q. The allegedly deficient party shall thereafter have 14 days to file a Response to the Motion and show good cause why the case should not be dismissed and/or appropriate sanctions be entered. The moving party may file a Reply brief within 7 days of the Response. ***Any failure by either party to respond to the Motion within the specified period (or such additional time as may be agreed upon by the parties) shall result in dismissal of the case and/or appropriate sanctions.***

r. In addition, after receiving a Plaintiff Fact Sheet, Defendants may file any motion available under the Federal Rules of Civil Procedure that is dispositive in whole or in part of the action, including but not limited to any Rule 12 or Rule 56 motion based on lack of product identification, statute of limitations, or improper party/representative. Such motion(s) shall be in addition to, and not in lieu of, dispositive motions set by current, prior, or subsequent Case Management Orders. Such motion

shall comply with this Court's Practice and Procedure Order and Notice of Initial Conference (Case No. 1:17-md-2782-RWS, Doc. 148, June 21, 2017), paragraph 4(d) ("Motions"), which provides that no motion (including a motion to dismiss under Rule 12) shall be filed without leave of Court and unless it includes a certificate that the movant has conferred with opposing counsel in a good-faith effort to resolve the matter without Court action.

The Court **DIRECTS** the Clerk to file a copy of this Order in 1:17-MD-02782-RWS and it shall apply to each member related case previously transferred to, removed to, or filed in this Court. In cases subsequently filed in this Court, 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 assessed through the CM/ECF system and the Court's website at http://www.gand.uscourts.gov/17md2782.

SO ORDERED, this 14th day of May, 2018.

RICHARD W. STORY
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: ETHICON PHYSIOMESH	:	MDL DOCKET NO. 2782
FLEXIBLE COMPOSITE	:	CIVIL ACTION NO.
HERNIA MESH PRODUCTS	:	
LIABILITY LITIGATION	:	[INSERT CASE NO.]

[INITIAL, FIRST AMENDED, SECOND AMENDED] PLAINTIFF FACT SHEET OF _____[Add Plaintiff Name]

In completing this Plaintiff Fact Sheet, you are under oath and must provide information that is true and correct to the best of your knowledge, information and belief. If you cannot recall all of the details requested, please provide as much information as you can and then state that your answer is incomplete and explain why as appropriate. If any information you need to complete any part of the Fact Sheet is in the possession of your attorney, please consult with your attorney so that you can fully and accurately respond to the questions set out below. If you are completing the Fact Sheet for someone who cannot complete the Fact sheet themselves, please answer as completely as you can.

The Fact Sheet shall be completed in accordance with the requirements and guidelines set forth in the applicable Case Management Order. A completed Fact Sheet shall be considered interrogatory answers pursuant to Fed. R. Civ. P. 33 and 34 and will be governed by the standards applicable to written discovery under Fed. R. Civ. P. 26 through 37. The questions and requests for production contained in the Fact Sheet shall be answered without objection. This Fact Sheet shall not preclude Defendants from seeking additional documents and information on a reasonable, case-by-case basis pursuant to the Federal Rules of Civil Procedure and as permitted by the applicable Case Management Order.

Whether you are completing this Plaintiff Fact Sheet for yourself or for someone else, the term "You" means the person who was treated with Physiomesh.

In completing this form please use the following definition: "healthcare provider" means any hospital, clinic, center, physician's office, infirmary, medical or diagnostic laboratory, or other facility that provides medical care or advice, and any pharmacy, x-ray department, radiology department, laboratory, physical therapist or physical therapy department, rehabilitation specialist, or other persons or entities involved in the diagnosis, care and/or treatment of you.

If you learn that any of your responses are incomplete or incorrect at any time, please supplement your responses to provide that information as soon as you become aware of this information. Any amended or corrected Plaintiff fact sheets must also include a new signed/dated verification.

I. CASE INFORMATION

A. Caption:_____

Docket No.: _____

B. Primary attorney contact (name, address, phone, and email):
_____

C. Full name of the person completing this form, if different from the person listed in the caption above, and the relationship of the person completing this form to the person listed in the caption above (Representative, Guardian, Other):
_____

II. PLAINTIFF INFORMATION

A. Name of individual implanted with Physiomesh_____❑Male ❑Female

1. Date of birth:_____

2. Last four digits of Social Security No.: _____

3. Other names by which you have been known (from prior marriages or otherwise):
_____

B. Spouse name: _____ Loss of Consortium Claim? ❑Yes ❑No

C. Name of Estate Representative if individual implanted with Physiomesh is deceased or is not the filing party: _____

D. Have you ever filed for bankruptcy: ❑Yes ❑No

If so, identify the court/state of filing, caption of the case, docket number, and the date of filing and current status: _____

E. Address: _____

1. How long have you lived at your current address: _____

2. Provide the following for each of your prior residence from 2000 to the present:

Prior Address	Dates You Lived at Each Address

3. Where did you reside at the time of your Physiomesh implantation surgery? _____

4. Where did you reside at the time of your Physiomesh explant or revision surgery (if applicable)?_____

F. Identify the name, relationship, and current age of any person who currently resides with you: _____

1. Identify the name, relationship, and age (at that time) of any person who was residing with you at the time of your Physiomesh implantation surgery: _____
_____
_____

2. Identify the name, relationship, and age (at that time) of any person who was residing with you at the time of the Physiomesh explant or revision surgery (if applicable): _____
_____
_____

G. Have you ever been married? ❑Yes ❑No

If Yes, provide the following:

Spouse First and Last Name (Current)	Dates of Marriage	If Applicable: Reason for End of Marriage (e.g., death, divorce).	Spouse's Current Address and Telephone Number

H. Provide the full name and current age of each of your children, if any. Please provide the address of any child over the age of 18.

Name	Address	Age

I. Have you ever served in any branch of the military? ❑Yes ❑No

If Yes, please provide the following information:

1. Branch and dates of service, rank upon discharge, and the type of discharge you received: _____

2. Were you discharged from the military at any time for any reason relating to your medical, physical, or psychiatric condition? ❑Yes ❑No

If Yes, state what that condition was: _____

J. Have you ever been examined or treated for any medical condition at a Veterans' Affairs facility? ❑Yes ❑No

If Yes, identify the applicable Veterans' Affairs facility, the condition(s) treated, and approximate date(s) of treatment that condition was: _____

K. Have you ever been convicted of, or pleaded guilty to, a felony and/or crime of fraud or dishonesty? ❑Yes ❑No

If Yes, please set forth the felony and/or crime, the date of the conviction or plea, the court, and docket number: _____

L. Have you or anyone acting on your behalf had any communication, oral or written, with Johnson & Johnson, Ethicon, Inc., or their representatives, other than through your attorneys? ❑Yes ❑No

If Yes, set forth the date of the communication, the method of communication, the name of the person with whom you communicated, and the substance of the communication between you and Johnson & Johnson, Ethicon, Inc., or their representatives: _____

M. Did you respond to a television or media advertisement relating to hernia mesh lawsuits or surgical mesh lawsuits. ❑Yes ❑No

If Yes, state the date(s) (or approximate date if exact date not known) when you responded, the name of the entity you contacted, and the contact information for the entity you contacted (if you know):

_____

N. Identify the date you first contacted any attorney or law firm relating to the alleged injuries giving rise to your claims asserted in this case, state the name of the attorney or law firm you first contacted, and state the purpose of your contact with that attorney or law firm.

_____

O. To the extent your current attorney is different from the attorney you initially contacted, identify the date when you first contacted your current counsel and/or your current counsel's office relating to the alleged injuries giving rise to your claims asserted in this case.

_____

P. Are you now or have you ever been a member of Facebook, LinkedIn, Instagram, Twitter, or any other social media websites? ❑Yes ❑No

If Yes, provide the following information:

Name of Social Media Site(s)	Plaintiff's Username(s)/Handle(s)	Approximate Date(s) of Use

Q. Identify all covenants not to sue or settlement agreements entered with any pharmaceutical/medical device company, or any of Plaintiffs' treating physicians or medical providers relating in any way to the subject of this litigation.

_____

R. Identify all agreements entered by Plaintiff and any third party regarding funding of Plaintiff's civil action (including any litigation loan or litigation advance) or funding of medical

expenses or travel expenses (i.e., air fare, car services, lodging, meals) related to provision of healthcare to Plaintiff, and the amount paid by third party (including incidentals such as travel expenses, meals, etc.) to the extent known.

_____

III. CONSORTIUM PLAINTIFF INFORMATION (IF APPLICABLE)

A. Name: _____

1. Other names (maiden name, prior marriages, etc.): _____
2. Date of birth:_____
3. Last four digits Social Security No.: _____
4. Address: _____

B. Are you now or have you ever been a member of Facebook, LinkedIn, Instagram, Twitter, or any other social media websites? ❑Yes ❑No

If Yes, provide the following information:

Name of Social Media Site(s)	Plaintiff's Username(s)/Handle(s)	Approximate Date(s) of Use

C. Have you ever been convicted of, or pleaded guilty to, a felony and/or crime of fraud or dishonesty? ❑Yes ❑No

If Yes, please set forth the felony and/or crime, the date of the conviction or plea, the court, and docket number: _____

D. Describe your loss of consortium claim in detail, including, without limitation, all of the affections/services you claim were impaired or lost, the extent to which such affections/services were impaired or lost, and any damages you allege to have suffered in relation to this claim.

_____

E. Please list the name and address of any healthcare providers you have seen for treatment for any injuries or symptoms alleged to be related to the loss of consortium claim.

Provider Name, Address, and Specialty	Condition Treated	Approximate Dates of Treatment

IV. PHYSIOMESH DEVICE INFORMATION

A. Date of implant: _____

1. Reason You Believe Physiomesh was Implanted: _____
2. Physiomesh Size: _____
3. Lot Number: _____
4. Product Code: _____
5. Implanting Surgeon: _____
6. Medical Facility: _____
7. Additional products implanted during same procedure (if any): _____

B. For the Physiomesh product identified above, indicate if, prior to implantation, you received any written and/or verbal information or instructions, including any risks or complications that might be associated with the use of the product(s)?

❑Yes ❑No ❑Do not recall

If Yes:

1. Provide the date you received the written and/or verbal information or instructions: _____

2. Identify by name and address the person(s) who provided the information or instructions: _____

3. Describe in detail the information or instructions received: _____

C. For the Physiomesh product identified above, did you receive post-operative surgical care instructions and/or restrictions that were provided either written and/or verbally?

❑Yes ❑No ❑Do not recall

If Yes:

1. Provide the date(s) you received the written and/or verbal instructions and/or restrictions: _____

2. Identify by name and address the person(s) who provided the instructions and/or restrictions: _____

3. Describe the instructions and/or restrictions received: _____

4. If you have copies of the written instructions or restrictions you received, please separately upload a true and correct copy of any such documents with this completed Fact Sheet.

D. For the Physiomesh product that remains implanted in you:

1. Has any doctor or healthcare professional recommended removal or revision of the Physiomesh product(s)? ❑Yes ❑No

If Yes:

i. Identify by name and address the doctor who recommended removal: _____

ii. State your understanding of why the doctor recommended removal: _____

2. Has any doctor or health care provider advised you <u>not</u> to have the Physiomesh product removed or revised? ❑Yes ❑No

If Yes:

i. Identify by name and address the doctor or healthcare professional who recommended not having the product removed/revised: _____

ii. State your understanding of why the doctor recommended that you not have the product removed/revised: _____

E. Have you filed a lawsuit or asserted any claim related to any other product implanted during the same procedure as the Physiomesh implant(s)? ❑Yes ❑No ❑N/A

If Yes, identify the claim/lawsuit asserted, the court, docket number, the date the claim/lawsuit was made, the injuries alleged, and the name/address of any counsel representing you in such claim/lawsuit: _____

V. REMOVAL/REVISION SURGERY INFORMATION

A. Date of revision/explant surgery:_____

1. Description of revision/explant surgery:_____

2. Revising/Explanting surgeon: _____

3. Medical Facility: _____

4. Reason You Believe Physiomesh was Removed/Revised: _____

_____

5. Does any medical treater, physician or anyone else on your behalf have possession of any portion of the Physiomesh product that was previously implanted in you and removed? ❑Yes ❑No ❑Do Not Know

If Yes, please state name and address of the person or entity having possession of same: _____

If No, do you know whether the removed portion of your Physiomesh product was destroyed? ❑Yes ❑No ❑Do Not Know

If Yes, describe how you know and identify who destroyed it:

_____

VI. OUTCOME ATTRIBUTED TO DEVICE

A. Do you claim that you suffered injuries as a result of the implantation of Physiomesh? ❑Yes ❑No

If Yes:

1. Describe in detail the injuries, including any emotional or psychological injuries, that you claim resulted from the Physiomesh product:

_____

_____

_____

2. Identify the date (or approximate date) when you first experienced symptoms of the alleged injuries you claim resulted from the Physiomesh product, the date (or approximate date) when you first saw a health care provider for <u>each</u> of the injuries, and the name, address and specialty of the healthcare provider(s):

_____

_____

_____

_____

_____

3. Please list all doctors or other healthcare providers you have seen for treatment of any of the alleged injuries listed above.

Provider Name, Address, and Specialty	Condition Treated	Approximate Dates of Treatment

B. Do you claim that you are currently experiencing symptoms related to your alleged injuries? ❑Yes ❑No

If Yes:

1. Describe in detail the symptoms, including any emotional or psychological injuries, that you claim you are currently experiencing: _____

2. Are you currently seeing a doctor or healthcare provider for any of the injuries or symptoms listed above? ❑Yes ❑No

3. Other than those doctors listed in the chart above, please list all doctors you are currently seeing for treatment of the injuries or symptoms listed above:

Provider Name, Address, and Specialty	Condition Treated	Approximate Dates of Treatment

C. Other than the Physiomesh product(s) that is the subject of your lawsuit, have you been implanted with any other hernia mesh products? ❑Yes ❑No

If Yes, please provide the following information:

1. Product Name(s): _____

2. Date of implantation procedure(s) and name and address of implanting doctor(s): _____

3. Condition(s) sought to be treated through placement of the device(s): _____

4. Describe in detail any complications or difficulties you experienced during your recovery following the procedure(s): _____

5. Whether the product(s) remain implanted inside of you today? ❑Yes ❑No

If no, identify when revised/removed and your understanding as to the reason for the revision/removal: _____

6. Have you filed a lawsuit or asserted any claim related to any other hernia mesh products? ❑Yes ❑No ❑N/A

If Yes, identify the claim/lawsuit asserted, the court, docket number, the date the claim/lawsuit was made, the injuries alleged, and the name/address of any counsel representing you in such claim/lawsuit:

_____

VII. EDUCATION INFORMATION

A. Identify your educational background, starting with high school and including any technical or post-secondary education, in reverse chronological order (most recent education listed first):

Name of School	Address	Dates of Attendance	Degree, Diploma, or Certificate Awarded	Major or Primary Field

VIII. EMPLOYMENT INFORMATION

A. Please provide the following information for your employment history from 2010 to the present in reverse chronological order (most recent employment listed first):

Employer Name	Address	Job Title/ Description of Duties	Dates of Employment	Annual Salary before taxes, or Rate of Pay

B. Do/Did any of the employment positions listed above require you to lift/carry/hold heavy objects? ❑Yes ❑No

If Yes, describe such lifting requirements, including in your response, without limitation, the frequency with which you are/were required to lift/carry/hold such objects.

_____

C. In the ten years prior to your Physiomesh implant, have you ever missed work for more than ten (10) consecutive days for reasons related to your health? ❑Yes ❑No

If Yes, describe the date(s) of any such absence and the health condition that prevented you from working. _____

IX. ALLEGED DAMAGES

A. Are you claiming damages for lost wages? ❑Yes ❑No

If Yes:

1. Identify the time period you contend that you lost wages as a result of the injuries you contend resulted from the Physiomesh product: _____

2. What is the total amount of wages you are claiming you have lost as a result of your claims in this case as of the date this form is executed? _____

3. State the annual gross income you derived from your employment for each year, beginning five years prior to the implantation of the Physiomesh product until the present: _____

B. Are you or your spouse claiming lost out-of-pocket expenses? ❑Yes ❑No

If Yes:

a. As of the date this form is executed, what is the total amount of out-of-pocket expenses you are claiming you have lost as a result of your claims in this case?
_____

b. Identify and itemize each individual out-of-pocket expense you are seeking to recover in this case which you contend resulted from the Physiomesh product:
_____

X. MEDICAL BACKGROUND

A. Current Height: _____ Current Weight: _____

B. Weight at the time you received the Physiomesh product(s) _____

C. Smoking Status (including cigarettes, cigars and pipe tobacco) (check applicable):

- Current Smoker ___
- Past Smoker ___
- Non Smoker ___

If you checked current or past smoker, indicate the tobacco products you have smoked (check applicable):

- Cigarettes ___
- Cigars ___
- Pipe Tobacco ___
- Other ___

If Other, please specify: _____

If you checked current smoker, how much do you smoke? _____

If you checked current smoker, how many years have you smoked? _____

If you checked past smoker, approximately when did you quit? _____

If you checked past smoker, how much did you smoke before you quit? _____

If you checked past smoker, how many years did you smoke before you quit?_____

D. Prior to the first Physiomesh implant, have you ever had:

Diabetes: ❑Yes ❑No

If Yes, what type and when diagnosed?

Adhesions or Adhesive Disease: ❑Yes ❑No

If Yes, describe (including date diagnosed and treatment received):

Connective Tissue Disorders (such as Ehlers-Danlos and Marfan`s Syndrome) ❑Yes ❑No

If Yes, describe (including date diagnosed and treatment received):

Irritable Bowel Syndrome: ❑Yes ❑No

If Yes, when diagnosed?

Lupus: ❑Yes ❑No

If Yes, when diagnosed?

Auto Immune Disorder: ❑Yes ❑No

If Yes, identify (including date diagnosed and treatment received)

Anemia or other blood disorder: ❑Yes ❑No

If Yes, identify (including date diagnosed)

Respiratory disease, including Asthma, Emphysema, and/or COPD: ❑Yes ❑No

If Yes, identify (including date diagnosed):

Any disease of the gut, abdomen, intestines, or bowels: ❑Yes ❑No

If Yes, identify (including date diagnosed and treatment received):

Any abdominal surgery(ies): ❑Yes ❑No

If Yes, identify (including date of procedure):

Prescribed medication to treat constipation: ❑Yes ❑No

If Yes, identify the medication, who prescribed, and when prescribed:

Prescribed medication to treat bronchitis: ❑Yes ❑No

If Yes, identify the medication, who prescribed, and when prescribed:

Sought treatment for enlarged prostate or straining to urinate: ❑Yes ❑No

If Yes, identify the treatment received, provider(s) seen, and dates of treatment:

Sleep Apnea: ❑Yes ❑No

If Yes, identify the treatment received, provider(s) seen, and dates of treatment:

Conditions requiring use of Steroids, Immune Suppression or Chemotherapy: ❑Yes ❑No

If Yes, identify the treatment received, provider(s) seen, and dates of treatment:

Ascites: ❑Yes ❑No

If Yes, identify the treatment received, provider(s) seen, and dates of treatment:

Cystic fibrosis: ❑Yes ❑No

If Yes, identify the treatment received, provider(s) seen, and dates of treatment:

Chronic lung infections: ❑Yes ❑No

If Yes, identify the treatment received, provider(s) seen, and dates of treatment:

Collagen Disorders: ❑Yes ❑No

If Yes, identify the disorder, treatment received, provider(s) seen, and dates of treatment:

Fibromyalgia or other chronic pain condition: ❑Yes ❑No

If Yes, identify, describe the treatment received, provider(s) seen, and dates of treatment:

Fistula(s): ❑Yes ❑No

If Yes, identify the location, treatment received, provider(s) seen, and dates of treatment:

Bowel Obstruction: ❑Yes ❑No

If Yes, identify the treatment received, provider(s) seen, and dates of treatment:

Bowel Perforation: ❑Yes ❑No

If Yes, identify the treatment received, provider(s) seen, and dates of treatment:

E. Other than the hernia the Physiomesh was intended to treat, have you ever had any other hernia(s)? ❑Yes ❑No

If Yes:

1. Describe when each hernia was diagnosed:

2. Describe the location of each hernia:

3. Describe the type of hernia (if known):

4. Describe whether the hernia was repaired surgically (including the date of any such repair, the surgeon who performed the repair, and the facility where the repair was performed):

5. Describe in detail any complications or difficulties you experienced during your recovery following the repair procedure(s):

F. In chronological order, list any and all surgeries and/or hospitalizations you had in the 10 year period BEFORE implantation of the Physiomesh product(s); identifying by name and address the doctor(s), hospital(s) or other healthcare provider(s) involved; and providing the approximate date(s) for each.

Doctor or Healthcare Provider Involved (including address)	**Description of Surgery and/or Hospitalization**	**Approximate. Date**

G. In chronological order, list any and all surgeries, procedures, or hospitalizations you had AFTER the implantation of the Physiomesh product(s); identifying by name and address the doctor(s), hospital(s) or other healthcare provider(s) involved with each surgery or procedure; and provide the approximate date(s) for each.

Doctor or Healthcare Provider Involved (including address)	**Description of Hospitalization or Surgery**	**Approximate. Date**

H. Describe your physical activities associated with daily living, physical fitness (including any weightlifting), household tasks, and employment-related activities before the implantation of the Physiomesh product.

_____

I. Describe how, if at all, you contend your physical activities associated with daily living, physical fitness (including any weightlifting), household tasks, and employment-related activities have changed as a result of the implantation of the Physiomesh product.

_____

J. For female plaintiffs, have you previously given birth? ❑Yes ❑No

If Yes:

1. How many births and dates of each birth? _____

2. If any of the births were by cesarean section, please state the number of cesarean section births: _____

K. List each prescription medication you have taken **for more than one month at a time, within the last ten (10) years prior to implant to present,** giving the name and address of the pharmacy where you received/filled the medication, the reason you took the medication, and the approximate dates of use.

Prescription Medication	Name of Pharmacy and Address

L. Identify the name and address of any pharmacy where you received/filled any prescription medication within the last 10 years.

Name of Pharmacy	Address

XI. LIST OF MEDICAL PROVIDERS

A. List all treating physicians or other medical providers you have seen for the period of 10 years prior to the first Physiomesh implant to the present, including, but not limited to, all primary care physicians, internists, general surgeons, psychiatrists, urologists, endocrinologists, rheumatologists, or any other specialists.

Provider Name, Address, and Specialty	**Condition Treated**	**Approximate Dates of Treatment**

XII. INSURANCE INFORMATION

A. Provide the following information for any past or present medical insurance coverage within the last 10 years:

Insurance Company (Name and Address)	Policy Number	Name of Policy Holder/Insured (if different than you)	Approx. Dates of Coverage

B. Have you ever been denied life insurance for reasons relating to your health?
❑Yes ❑No ❑I do not know

If Yes, please state when the denial occurred, the name of the life insurance company, and the company's reason for denial: _____

C. To the best of your knowledge, have you been approved to receive or are you receiving Medicare benefits due to age, disability, condition or any other reason or basis?
❑Yes ❑No ❑I do not know

If Yes, please specify the date on which you first became eligible: _____

[Please note: if you are not currently a Medicare-eligible beneficiary, but become eligible for Medicare during the pendency of this lawsuit, you must supplement your response at that time. This information is necessary for all parties to comply with Medicare regulations. See 42 U.S. C. 1395y(b)(8), also known as Section 111 of the Medicare, Medicaid and SCHIP Extension Act of 2007 and 42 U.S.C. 1395y(b)(2) also known as the Medicare Secondary Payer Act.]

XIII. PRIOR CLAIM INFORMATION

A. Have you filed a lawsuit or made a claim within the last 10 years prior to implant to present, other than in the present suit relating to any bodily injury? ❑Yes ❑No

If Yes, please specify the following:

1. Court in which suit/claim filed or made: _____

2. Case/Claim Number: _____

3. Nature of claim and specific injuries alleged: _____

B. Have you applied for workers' compensation (WC), Social Security disability (SSI or SSD) benefits, or other state or federal disability benefits within the last 10 years prior to implant to present? ❑Yes ❑No

If Yes, please specify the following:

1. Date (or year) of application: _____

2. Type of benefits sought: (check applicable):

- Workers' Compensation ___
- Social Security Disability ___
- Other ___

If Other, please specify the type of benefits sought: _____

3. Agency/Insurer from which you sought the benefits: _____

4. The nature of the claim and specific injuries/disability alleged: _____

5. Whether the claim was accepted or denied: _____

6. Whether you are currently receiving any benefits as a result of the claim: _____

7. Identify the name and address of the entity most likely to have records concerning your claim: _____

8. If applicable, the name and address of your employer against whom the claim was filed: _____

XIV. FACT WITNESSES

A. Identify all persons whom you believe may possess information concerning your injury(ies) and current medical conditions, other than your healthcare providers, and please state their name, phone number, address, and his/her/their relationship to you:

Name	Address and Phone Number	Relationship to You	Information you Believe Person Possesses

XV. IDENTIFICATION OF DOCUMENTS AND OTHER ELECTRONICALLY STORED INFORMATION

A. For the period beginning three years prior to implantation of the Physiomesh product(s) to present, please identify all research, including on-line research, you have conducted regarding the subjects of this litigation, including the implantation of the Physiomesh product(s), the injuries and/or damages you claim resulted from the implantation of the Physiomesh product(s), or your medical or physical condition. Identify date, time, and source, including any websites visited. Research conducted to understand the legal and strategic advice of your counsel is not considered responsive to this request.

_____

_____

_____

XVI. DOCUMENT REQUESTS

A. State whether you have any of the following documents in your possession, custody, and/or control. If you do, please separately upload a true and correct copy of any such documents with this completed Fact Sheet.

1. If you were appointed by a court to represent the plaintiff in this lawsuit, produce any documents demonstrating your appointment as such.

- ❑Not Applicable
- ❑The documents are attached
- ❑I have no documents

2. If you represent the estate of a deceased person in this lawsuit, produce a copy of the decedent's death certificate and autopsy report (if applicable).

- ❑Not Applicable
- ❑The documents are attached
- ❑I have no documents

3. Produce any communications (sent or received) in your possession, which shall include materials accessible to you from any computer, phone, or smartphone on which you have sent or received such communications, concerning the Physiomesh product, your alleged injuries, or subject litigation, including but not limited to all letters, e-mails, blogs, Facebook posts, text messages, tweets, newsletters, etc. sent or received by you. Research conducted to understand the legal and strategic advice of your counsel is not considered responsive to this request.

- ❑Not Applicable
- ❑The documents are attached
- ❑I have no documents

4. Produce all documents (including journal entries, lists, memoranda, notes, diaries), photographs, medical records, videos, DVDs or other media, including all copies, discussing or referencing the subjects of this litigation including the Physiomesh product or the injuries and/or damages you claim resulted from the Physiomesh product from the date of the implantation of the Physiomesh product to present, including but not limited to the injuries for which you seek relief in this lawsuit. Research conducted to understand the legal and strategic advice of your counsel is not considered responsive to this request.

- ❑Not Applicable
- ❑The documents are attached
- ❑I have no documents

5. Produce any Physiomesh product packaging, labeling, advertising, or any other Physiomesh product product-related items in your possession, custody or control.

❑Not Applicable
❑The documents are attached
❑I have no documents

6. Produce all documents concerning any communication between you and the Food and Drug Administration (FDA) or between you and any employee or agent of Johnson & Johnson or Ethicon, Inc. regarding the Physiomesh product at issue, except as to those communications which are attorney client/work product privileged.

❑Not Applicable
❑The documents are attached
❑I have no documents

7. To the extent you have documents in your possession identified in response to Question II(L) above, produce such documents.

❑Not Applicable
❑The documents are attached

8. Produce any and all documents in your possession, custody or control reflecting, describing, or in any way relating to any instructions or warnings you received prior to implantation of the Physiomesh product(s) concerning the risks and/or benefits associated with the Physiomesh product(s) you received.

❑Not Applicable
❑The documents are attached
❑I have no documents

9. If you underwent surgery to explant in whole or in part the Physiomesh product(s) that you received: produce any and all documents in your possession, custody or control aside from documents that may have been generated by experts retained by your counsel for litigation purposes, relating to any evaluation of the Physiomesh product(s) and any other material that was (were) surgically removed from you.

❑Not Applicable
❑The documents are attached
❑I have no documents

10. If you claim lost wages or lost earning capacity, copies of your federal and state tax returns for the two years prior to implantation of the Physiomesh product(s) to the present.

❑Not Applicable
❑The documents are attached

❑I have no documents in my possession

11. If you claim lost wages or lost earning capacity, copies of all documents supporting that claim.

❑Not Applicable
❑The documents are attached
❑I have no documents in my possession

12. If you are seeking compensation for lost out-of-pocket expenses, copies of all documents supporting that claim.

❑Not Applicable
❑The documents are attached
❑I have no documents in my possession

13. Any photographs, digital images, video, or other media in your possession, custody, or control which show the hernia that was repaired with the Physiomesh product and/or any physical condition or alleged injury you contend was caused by the Physiomesh product.

❑The documents are attached
❑I have no documents

14. All documents in your possession, custody or control concerning payment by Medicare on the injured party's behalf relating to the injuries claimed in this lawsuit, including but not limited to Interim Conditional Payment summaries and/or estimates prepared by Medicare or its representatives regarding payments made on your behalf for medical expenses relating to the subject of this litigation.

❑Not Applicable
❑The documents are attached
❑I have no documents in my possession

[Please note: if you are not currently a Medicare-eligible beneficiary, but become eligible for Medicare during the pendency of this lawsuit, you must supplement your response at that time. This information is necessary for all parties to comply with Medicare regulations. See 42 U.S.C. 1395y(b)(8), also known as Section 111 of the Medicare, Medicaid and SCHIP Extension Act of 2007 and 42 U.S. C. 1395y(b)(2) also known as the Medicare Secondary Payer Act]

SWORN VERIFICATION

By providing the information set forth herein, I declare under penalty of perjury subject to all applicable laws, that I have carefully reviewed the final copy of this Plaintiff Fact Sheet and verified that all of the information provided is true and correct to the best of my knowledge, information and belief.

_____
Signature of Plaintiff

_____
Date

SWORN VERIFICATION OF CONSORTIUM PLAINTIFF

By providing the information set forth herein, I declare under penalty of perjury subject to all applicable laws, that I have carefully reviewed the final copy of this Plaintiff Fact Sheet and verified that all of the information provided is true and correct to the best of my knowledge, information and belief.

_____

Signature of Consortium Plaintiff

_____

Date

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION		
IN RE: ETHICON PHYSIOMESH FLEXIBLE COMPOSITE HERNIA MESH PRODUCTS LIABILITY LITIGATION	: : : :	MDL DOCKET NO. 2782 CIVIL ACTION NO. [***INSERT***]

DEFENDANTS' FACT SHEET

Defendants Ethicon, Inc. and Johnson & Johnson (collectively "Defendants") hereby submit the following Defendants' Fact Sheet responses for the above referenced case.

INSTRUCTIONS

Please provide the following information for plaintiff (or plaintiff's decedent) (hereinafter "Plaintiff") who was implanted with a Physiomesh device that is the subject of Plaintiff's complaint in the above referenced action.

In filling out this form, please respond on the basis of information and/or documents that are reasonably available to the Defendants. "Relevant Healthcare Provider(s)" as used herein is defined as the physician identified in the Plaintiff Fact Sheet as the physician who implanted or explanted Plaintiff's Physiomesh. In addition, "produce" shall include, at Defendants' option, the physical production of documents to Plaintiffs' counsel, the identification of how documents can be located in Defendants' document production in the MDL, or making documents available to plaintiffs' counsel on a dedicated DFS website.

I. CASE INFORMATION

A. Caption:

B. Docket No.:

II. PLAINTIFFS' HEALTHCARE PROVIDERS

1. Produce consulting agreements, if any, between Defendants and every Relevant Healthcare Provider, including, but not limited to, agreements to provide advice on the design, study, testing or use of the Physiomesh device, or agreements to consult as a thought leader, opinion leader, member of a speaker's bureau or similar arrangement.

2. Produce documents and/or information sufficient to identify all monetary benefits provided to every Relevant Healthcare Provider, including amounts, dates and purpose.

3. Produce documentation and information regarding any training provided to or by Plaintiff's Relevant Healthcare Providers relating to the Physiomesh device, including but not limited to any documentation relating to attendance at any proctoring or preceptoring session, cadaver lab, wet lab or any other training or informational session.

4. Produce documents relating to the Physiomesh product(s) that were provided to Plaintiff or Plaintiff's Relevant Healthcare Providers, including but not limited to instructions, warnings, brochures, pamphlets, patient information, or sales, marketing or promotional information or material.

5. Produce documents reflecting or relating to communications between you and each Relevant Healthcare Provider, including but not limited to communications between the physician and any sales representative or other agent or employee of Defendants relating in any way to Physiomesh or any patient of the physician implanted with any Physiomesh product(s).

6. Produce documents collected from Sales Representatives and Division Managers that Ethicon has a reasonable and good faith belief were created during the time in which the Sales Representative and/or Division Manager had involvement with Ethicon and/or Physiomesh and that reference a Relevant Healthcare Provider.

III. SALES REPRESENTATIVE INFORMATION

1. From January 1, 2010 to June 1, 2016, identify the sales representative who was assigned to the territory for the Relevant Healthcare Provider and/or implanting facility identified in the PFS as: [***INSERT***] including the sales representative's division manager and the time period the sales representative worked within the applicable territory.

Time Period	Sales Representative	Sales Representative Employment Status	Division Manager

IV. SALES DATA

1. Set forth the total number of Physiomesh devices sold to the implanting facility(ies) identified in the PFS and the total amount of gross sales for Physiomesh, listed by year.

V. PLAINTIFF INFORMATION

1. Produce every Medical Device Complaint File, Adverse Event, MAUDE Report, or any similar file or document referencing Plaintiff with regard to Physiomesh.