

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

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

**PRACTICE AND PROCEDURE ORDER NO. 3**

**APPROVAL OF SHORT FORM COMPLAINT;  
FILING OF SHORT FORM COMPLAINTS**

**I. COURT APPROVAL OF SHORT FORM COMPLAINT**

The Court hereby approves the Short Form Complaint attached as Exhibit A.

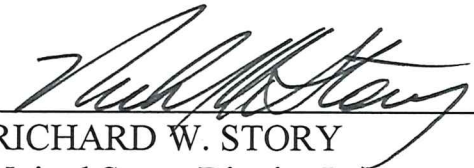
**II. REQUIREMENT OF SHORT FORM COMPLAINT IN EVERY MEMBER ACTION**

All Plaintiffs in MDL No. 2782 must file a Short Form Complaint in accordance with Practice and Procedure Order No. 2, using the form approved by the Court. *See* PPO-2, Case No. 1:17-md-2782-RWS, Doc. 219 (Aug. 22, 2017).

### III. FILING SHORT FORM COMPLAINTS

A Short Form Complaint may not be filed in the Master Docket. Instead, the Short Form Complaint must be filed only in the individual member action docket. Although the parties should continue to identify MDL 2782 as a related case at the time of filing, the clerk's office is directed not to file individual complaints on the MDL Master Docket unless expressly directed to do so by the Court.

SO ORDERED, this 19<sup>th</sup> day of September, 2017.

  
\_\_\_\_\_  
RICHARD W. STORY  
United States District Judge

**EXHIBIT A**

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	:	1:17-MD-02782-RWS
LIABILITY LITIGATION	:	
	:	
This document relates to:	:	
	:	
_____	:	Civil Action No.: _____
	:	
_____	:	

**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. 2782 by reference. Plaintiff(s) further show the court as follows:

1. Plaintiff Implanted with Physiomesch

\_\_\_\_\_

2. Plaintiff's Spouse (if applicable)

\_\_\_\_\_

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

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4. State of Residence and Citizenship of each Plaintiff (including any Plaintiff in a representative capacity) at time of filing of Initial Complaint

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5. State of Residence and Citizenship at the Time of Implantation

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6. District Court and Division in which personal jurisdiction and venue would be proper absent direct filing.

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

- A. Ethicon, Inc.
- B. Johnson & Johnson

8. Basis of Jurisdiction

- Diversity of Citizenship (28 U.S.C. § 1332(a))
- Other: \_\_\_\_\_

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

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B. Other allegations of jurisdiction and venue:

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9.

Date(s) Plaintiff was Implanted with Physiomesh (list date of each implant surgery, where applicable, on separate line)	Hospital(s) where Plaintiff was implanted with Physiomesh (include City and State of Hospital)	Implanting Surgeon(s)

10. Counts in the Master Complaint brought 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 – Consumer Protection Laws (Please identify applicable State Consumer Protection law(s) and state any additional facts and legal basis for application of State Consumer Protection law(s) in this case)

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- Count VI – Gross Negligence
- Count VII – Loss of Consortium
- Count VIII – Punitive Damages
- Count IX – Discovery Rule, Equitable Tolling/Estoppel (Please state any additional facts and legal basis for Discovery Rule and Tolling below)

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Other Count(s) (Please state factual and legal basis for other claims not included in the Master Complaint below):

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Jury Trial is Demanded as to All Counts

Jury Trial is NOT Demanded as to Any Count

s/  
\_\_\_\_\_  
Attorney(s) for Plaintiff

Address, phone number, email address and bar information:

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