

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Betty S. Sadler,

Case No.

Plaintiff,

v.

**COMPLAINT AND
JURY TRIAL DEMAND**

Howmedica Osteonics Corp.,

Defendant,

Plaintiff, Betty Sadler, for her cause of action against the above-named defendant, alleges and states upon information and belief the following:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Betty Sadler is a resident of Houston, Texas.
2. Defendant Howmedica Osteonics Corp. (“HOC”) is a corporation organized and existing under the laws of New Jersey, with its principal place of business in Mahwah, New Jersey. Defendant does business throughout the United States, including the State of Texas.
3. HOC is a wholly-owned subsidiary of Stryker Corporation (“Stryker”). HOC licenses the Stryker brand name for use of its prosthetic hip devices and pays Stryker a licensing fee.
4. This action is properly before the Court because complete diversity of citizenship exists between Plaintiff and Defendant. In addition, the amount in controversy claimed by Plaintiff exceeds \$75,000. As a result, this Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a).

5. Defendant is subject to the *in personam* jurisdiction of this Court, and venue is therefore proper herein pursuant to 28 U.S.C. § 1391, because Defendant did (and does) business within the State of Texas and has had continuous and systematic contacts with the State of Texas, has consented to jurisdiction in the State of Texas and/or committed a tort in whole or in part in the State of Texas against Plaintiffs as more fully set-forth herein. Upon information and belief, Defendant also advertised in this district, made material omissions and representations in this district, and breached warranties in this district.

FACTUAL ALLEGATIONS

A. Total Hip Arthroplasty Procedure

6. The hip joint is a ball-and-socket synovial joint formed by the articulation of the rounded head of the femur and the cup-like acetabulum of the pelvis. Both joint surfaces are covered with a strong but lubricated layer of articular hyaline cartilage. Over time, age and wear can break down the cartilage, allowing the femur head to rub directly against the acetabulum resulting in painful joint inflammation and immobility.

7. A total hip arthroplasty replaces the body's natural joint with prosthetic components. A typical total hip replacement system consists of four separate components: 1) a femoral stem; 2) a femoral head; 3) a liner; and 4) an acetabular shell. The surgeon removes the patient's natural femoral head, hollows-out the femoral canal, implants the prosthetic femoral stem, and attaches a femoral head to the neck of the stem. The acetabular shell is fixed to the acetabulum of the pelvis and fitted with a liner. The femoral head forms the hip joint when it is placed inside the polyethylene liner and acetabular shell.

B. History of the Accolade® TMZF Plus Femoral Stem and LFIT Anatomic CoCr V40 Femoral Head

8. On October 09, 2002, HOC received FDA clearance to sell its Accolade® TMZF Plus Femoral Hip Stem (“Accolade TMZF Plus”) in the United States. The Accolade TMZF Plus is a tapered non-porous coated femoral stem manufactured from a Ti-6Al-4V substrate material with a coating consisting of Commercially Pure Titanium and Purefix hydroxylapatite.

9. The Accolade TMZF Plus is designed to be used with LFIT Anatomic CoCr V40™ femoral heads.

10. The material combination of a titanium alloy stem, with a cobalt chromium femoral head (like the LFIT V40), has been reported to cause fretting and corrosion. Scientists have reported the occurrence of significant fretting and corrosion caused by the combination of dissimilar metals and/or micro-motion at the junction between the stem trunnion and head bore dating back to the Reagan Administration.

11. Despite the known problems associated with pairing dissimilar metals and/or micro-motion at the junction between the metal stem and metal head, Defendant represented and warranted in its marketing materials that its proprietary alloys will not fret or corrode.

12. Defendant manufactures, markets, and sells ceramic femoral heads that are compatible with the Accolade TMZF Plus. Upon information and belief, an Accolade TMZF Plus stem paired with a ceramic femoral head will not experience fretting and corrosion.

13. A femoral head commonly paired with the Accolade TMZF Plus is the LFIT™ Anatomic CoCr V40™ Femoral Head” (“LFIT V40 Head”).

14. On August 22, 2006, HOC received FDA clearance to sell the LFIT V40 Head with X3® polyethylene liners in the United States.

15. The LFIT (Low Friction Ion Treatment) manufacturing process embeds nitrogen ions under high energy into the cobalt/chromium surface of large femoral heads, for the purported purpose of improving surface wettability, allowing increased lubrication between components, and decreasing frictional forces against the X3 liner. The LFIT V40 Heads were (and are) offered in 36mm, 40mm, and 44mm diameters.

16. A Morse taper (a cone-within-a-cone) is used to mate the LFIT V40 Head with the Accolade TMZF Plus stem. The bore (female portion) of the LFIT V40 Head is placed onto the tapered trunnion (male portion) of the Accolade TMZF Plus stem and impacted by the surgeon using a Stem Head Impactor tool. The stresses created by compression of the wall of the bore by the trunnion results in a cold-welding or locking of the head/stem taper interface (i.e. taper lock).

17. Failure of the taper lock or cold-weld between the LFIT V40 Head bore and Accolade TMZF Plus trunnion allows micro-motion of these components and promotes corrosion and fretting.

18. The indications for use of both LFIT V40 Heads and Accolade TMZF Plus stems include non-inflammatory degenerative joint disease, such as osteoarthritis and avascular necrosis.

19. At all times material hereto, HOC developed, tested, assembled, manufactured, packaged, labeled, prepared, distributed, marketed, supplied, and/or sold the Accolade TMZF Plus and LFIT V40 Heads, either directly or indirectly, to members of the public within the State of Texas, including hospitals, surgeons, and the Plaintiff.

20. On or about August 29, 2016, Stryker issued a voluntary recall of certain sizes and lots of LFIT V40 Heads manufactured prior to 2011 citing a “higher than expected” incidence of taper lock failure. Stryker identified various “potential hazards” associated with LFIT V40 Head taper lock failure, including “excessive metallic debris” which could result in an “inflammatory

response” and “adverse local tissue reaction” (“ALTR”) and require additional surgery to revise or replace the product.

21. On or around January 06, 2009, Stryker issued a voluntary recall of certain sizes and lots of Accolade TMZF Plus femoral heads citing lack of tensile bond strength and crystallinity.

C. Plaintiff Allegations

22. On October 13, 2008, Plaintiff underwent left total hip arthroplasty as a result of left hip degenerative arthrosis. At that time, Plaintiff’s surgeon implanted a Trident® PSL® HA Cluster Acetabular Shell with a Trident® X3® Polyethylene Insert, and an Accolade® TMZF Plus femoral stem with an LFIT V40 Head.

23. Approximately seven years after her total hip arthroplasty, Plaintiff began experiencing significant left hip pain and discomfort. Upon MRI evaluation, a left hip pseudotumor was discovered.

24. Plaintiff underwent revision surgery on January 16, 2016, at which time Plaintiff’s surgeon encountered a pseudotumor, significant metallosis inside the hip joint, trunnionosis around the implant, and osteolysis around the proximal femur. The LFIT V40 cobalt chrome head was removed and replaced with a ceramic head.

25. As a direct and proximate result of HOC placing LFIT V40 Heads into the stream of commerce, both as an individual product line and in combination with the Accolade TMZF Plus stem, Plaintiff has suffered, and continues to suffer, both injuries and damages including, but not limited to, past, present and future physical and mental pain and suffering; and past, present and future medical, hospital, rehabilitative and pharmaceutical expenses, and other related damages.

THE FEDERAL REQUIREMENTS

26. Federal regulation states: "Recall means a firm's removal or correction of a marketed product that the Food and Drug Administration considers to be in violation of the laws it administers and against which the agency would initiate legal action, e.g. seizure." See 21 CFR § 7.3 (g).

27. Federal regulation states: "Recall classification means the numerical designation, i.e., I, II or III, assigned by the Food and Drug Administration to a particular product recall to indicate the relative degree of health hazard presented by the product being recalled." See 21 CFR § 7.3 (m).

28. Federal regulation states: "Class II is a situation in which use of, or exposure to, a violative product may cause temporary or medically reversible adverse health consequences or where the probability of serious adverse health consequences is remote." See 21 CFR § 7.3 (m).

29. The classification of the product withdrawals and corrections of the Defendant's devices (described above) as Class II Recalls by the FDA confirms by definition that the devices were in violation of federal law and that initiation of legal action or seizure would be indicated for these devices.

30. Pursuant to federal law, a device is deemed to be adulterated if, among other things, it fails to meet established performance standards, or if the methods, facilities or controls used for its manufacture, packing, storage or installation are not in conformity with federal requirements. See 21 U.S.C. § 351.

31. Pursuant to federal law, a device is deemed to be misbranded if, among other things, its labeling is false or misleading in any particular manner, or if it is dangerous to health when

used in the manner prescribed, recommended or suggested in the labeling thereof. See 21 U.S.C. § 352.

32. Pursuant to federal law, manufacturers are required to comply with FDA regulation of medical devices, including FDA requirements for records and reports, in order to prohibit introduction of medical devices that are adulterated or misbranded, and to assure the safety and effectiveness of medical devices. In particular, manufacturers must keep records and make reports if any of its medical devices may have caused or contributed to death or serious injury, or if the devices have malfunctioned in a manner likely to cause or contribute to death or serious injury. Federal law also mandates that the FDA establish regulations requiring a manufacturer of a medical device to report promptly to FDA any correction or removal of a device undertaken to reduce a risk to health posed by the device, or to remedy a violation of federal law by which a device may present a risk to health. See 21 U.S.C. § 360 (i).

33. Pursuant to FDA regulation, adverse events associated with a medical device must be reported to FDA within 30 days after the manufacturer becomes aware that (a) a device may have caused or contributed to death or serious injury, or (b) that a device has malfunctioned and would be likely to cause or contribute to death or serious injury if the malfunction was to recur. Such reports must contain all information reasonably known to the manufacturer, including any information that can be obtained by analysis, testing, or other evaluation of the device, and any information in the manufacturer's possession. In addition, manufacturers are responsible for conducting an investigation of each adverse event, and must evaluate the cause of the adverse event. See 21 CFR § 803.50.

34. Pursuant to federal regulations, manufacturers of medical devices must also describe in every individual adverse event report whether remedial action was taken with regard

to the adverse event, and whether the remedial action was reported to FDA as a removal or correction of the device. See 21 CFR § 803.52.

35. Pursuant to federal regulations, manufacturers must report any reportable MDR event or events, including a trend analysis that necessitates remedial action to prevent an unreasonable risk of substantial harm to the public health, to the FDA within 5 business days after becoming aware of such event or events. See 21 CFR § 803.53.

36. Pursuant to federal regulation, device manufacturers must report promptly to FDA any device corrections and removals, and maintain records of device corrections and removals. FDA regulations require submission of a written report within ten working days of any correction or removal of a device initiated by the manufacturer to reduce a risk to health posed by the device, or to remedy a violation of the Act caused by the device, which may present a risk to health. The written submission must contain, among other things, a description of the event giving rise to the information reported, the corrective or removal actions taken, and any illness or injuries that have occurred with use of the device, including reference to any device report numbers. Manufacturers must also indicate the total number of devices manufactured or distributed which are subject to the correction or removal, and provide a copy of all communications regarding the correction or removal. See 21 CFR § 806.

37. Pursuant to federal regulation, manufacturers must comply with specific quality system requirements promulgated by FDA. These regulations require manufacturers to meet design control requirements, including but not limited to conducting design validation to ensure that devices conform to defined user needs and intended uses. Manufacturers must also meet quality standards in manufacture and production of the devices. Manufacturers must establish and maintain procedures for implementing corrective actions and preventive actions, and investigate

the cause of nonconforming products and take corrective action to prevent recurrence. Manufacturers are also required to review and evaluate all complaints and determine whether an investigation is necessary. Manufacturers are also required to use statistical techniques, where necessary, to evaluate product performance. See 21 CFR § 820.

38. Pursuant to federal regulations, a manufacturer must report to the FDA any new indications for use of a device, labeling changes, or changes in the performance or design specifications, circuits, components, ingredients, principle of operation or physical layout of the device. Federal regulations require that: "A PMA supplement must be submitted when unanticipated adverse effects, increases in the incidence of anticipated adverse effects, or device failures necessitate a labeling, manufacturing, or device modification." See 21 CFR § 814.

39. Specifically, it is believed that with respect to LFIT V40 Heads, the Defendant failed to timely report adverse events; failed to timely conduct failure investigations and analysis; failed to timely report any and all information concerning product failures and corrections; failed to timely and fully inform FDA of unanticipated adverse effects, increases in the incidence of adverse effects, or device failures necessitating a labeling, manufacturing or device modification; failed to conduct necessary design validation; and, sold a misbranded and adulterated product.

CLAIMS FOR RELIEF

COUNT I **NEGLIGENCE**

40. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein and further alleges as follows.

41. Defendant designed, manufactured, marketed, detailed, and advertised, both to physicians and consumers, Accolade II stems and LFIT V40 Heads.

42. As a result, Defendant had a duty to perform each of these functions reasonably and with reasonable and due care for the safety and well-being of patients in whom these devices would be implanted, including Plaintiff.

43. Defendant failed to use reasonable and due care for the safety and wellbeing of those in whom Accolade II stems and LFIT V40 Heads would be implanted, including Plaintiff, and is therefore negligent in the following respects:

a. Defendant failed to adequately design and manufacture these devices to insure that they would not corrode, fret, deteriorate and induce metallosis and ALTR in patients. Defendant's failures include, but are not limited to, the following:

i. Recommending use of components designed and manufactured with incompatible metals; namely, the combination of the titanium alloy in the Accolade II stem with the cobalt-chromium in the LFIT V40 Heads;

ii. Poor design of the bore of the LFIT V40 Heads such that it resulted in taper lock failure, micro-motion of the Accolade TMZF Plus trunnion within the LFIT V40 bore, corrosion and fretting;

iii. Poor manufacturing practices such that the LFIT V40 bore and Accolade TMZF Plus trunnion did not "fit" the way in which they were intended to fit, resulting in taper lock failure, micro-motion, corrosion and fretting;

iv. Failing to establish and maintain adequate procedures to ensure that the specified design requirements for LFIT V40 Heads were met during the manufacturing process;

v. Failing to limit the type of femoral head components it recommended for use with the Accolade TMZF Plus stem to those that would not promote micro-motion, taper lock failure, corrosion and fretting; and

vi. A combination of the above factors which resulted in metallosis, ALTR, soft tissue and bony necrosis, pain and premature failure of the device.

b. Defendant made affirmative representations that these devices would not fret or corrode in the human body. These representations were false and misleading to both physicians and the consumer, including Plaintiff and Plaintiff's surgeon;

c. Defendant failed to manufacture LFIT V40 Heads to FDA-cleared and/or Defendant's own internal specifications such that the taper lock between the LFIT V40 Head bore and the Accolade TMZF Plus trunnion failed, resulting in micro-motion, fretting and corrosion, and causing metallosis and ALTR in patients, including Plaintiff;

d. Defendant had actual knowledge prior to marketing the Accolade TMZF Plus in combination with LFIT V40 Heads that a titanium alloy stem performed poorly when paired with cobalt/chromium head. Defendant also had knowledge at the time the Accolade II was introduced to the market that other HOC devices made of titanium alloy were experiencing corrosion, fretting, and failure at the trunnion-bore interface. Nevertheless, Defendant either suppressed or ignored such knowledge, and marketed the LFIT V40 Heads as compatible with the Accolade TMZF Plus, knowing full well that these two dissimilar metals historically performed poorly after implantation and were causing harm to patients when utilized in various hip implant devices.

44. Defendant, as manufacturer, supplier and seller of these orthopedic components had superior knowledge and owed a duty of care to their customers, orthopedic surgeons, and to the patients themselves in whom Accolade TMZF Plus / LFIT V40 Head combinations were being implanted.

45. Defendant breached its duty of care, and the conduct outlined above demonstrates Defendant's failure to exercise reasonable and appropriate care.

46. It was foreseeable that this wrongful conduct and these omissions would lead to premature failure of the Accolade TMZF Plus / LFIT V40 Head combination, and cause severe, permanent, debilitating injuries to patients, including Plaintiff.

47. As a direct and proximate result of Defendant's negligence, Plaintiff suffered all or some of the following: severe physical pain and suffering; emotional distress; mental anguish; loss of the capacity for the enjoyment of life; and incurred medical expenses. These damages have occurred in the past and will continue into the future.

COUNT 2
STRICT PRODUCTS LIABILITY – DEFECTIVE DESIGN

48. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein and further alleges as follows.

49. The LFIT V40 Head implanted into Plaintiff's hip, both alone and in combination with the Accolade II stem, was defective and unreasonably dangerous for its intended use as a hip prosthesis at the time it left HOC's control.

50. The Accolade TMZF Plus is designed in such a way that when used as intended with an LFIT V40 Head, the combination causes serious, permanent, and devastating damage to patients in whom the devices are implanted. The damage and mechanism of injury have been previously described herein. Defendant acted unreasonably in its design of the Accolade TMZF

Plus stem in combination with the LFIT V40 Head in that it failed to adopt a safer design that was practical and feasible. Such reasonable alternative design would have prevented or substantially reduced the risk of harm to Plaintiff without substantially impairing the usefulness, practicality, or desirability of the product.

51. Defendant's Accolade TMZF Plus, in combination with the LFIT V40 Head, does not perform as safely as orthopedic surgeons and ordinary consumers would expect when used as intended or in a manner reasonably foreseeable to Defendant.

52. The risks of using the Accolade TMZF Plus stem, in combination with an LFIT V40 Head, outweigh the benefits of using these devices.

53. There were safer alternative designs to the Accolade TMZF Plus/LFIT V40 Head combination implanted in Plaintiff which in reasonable probability would have prevented or significantly reduced the risk of the personal injuries suffered by Plaintiff without substantially impairing the product's utility and such safer alternative designs were economically and technologically feasible at the time the Accolade TMZF Plus and LFIT V40 Head left the control of Defendant by the application of existing or reasonably achievable scientific knowledge.

54. As a direct and proximate result of the design defects in the Accolade TMZF Plus/LFIT V40 Head combination, Plaintiff suffered all or some of the following: severe physical pain and suffering; emotional distress; mental anguish; loss of the capacity for the enjoyment of life; and incurred medical expenses. These damages have occurred in the past and will continue into the future.

COUNT 3
STRICT PRODUCTS LIABILITY – MANUFACTURING DEFECT

55. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein and further alleges as follows.

56. The Accolade TMZF Plus/LFIT V40 Head combination was designed for implantation into the human body and anticipated to function for fifteen or more years. The Accolade II/LFIT V40 Head combination was also designed to be compatible with human tissue and bone.

57. The Accolade TMZF Plus/LFIT V40 Head combination implanted in Plaintiff, however, failed and was explanted in *less than three years*.

58. The LFIT V40 Head implanted into the Plaintiff was manufactured in a substandard and defective manner, such that either:

a. The bore within the LFIT V40 Head was poorly machined or fashioned so that it could not achieve the desired taper lock or coldweld with the trunnion of the Accolade TMZF Plus;

b. The bore within the LFIT V40 Head was fashioned in such a manner that it did not maintain structural integrity when implanted in a biologic environment;

c. The bore within the LFIT V40 Head was fashioned in such a manner that it did not maintain structural integrity when mated with a titanium alloy trunnion; and/or

d. The specified design requirements for LFIT V40 Heads were not met during the manufacturing process.

59. As a direct and proximate result of the manufacturing defects in the LFIT V40 Head, Plaintiff suffered all or some of the following: severe physical pain and suffering; emotional distress; mental anguish; loss of the capacity for the enjoyment of life; and incurred medical expenses. These damages have occurred in the past and will continue into the future.

COUNT 4
STRICT PRODUCTS LIABILITY – FAILURE TO WARN

60. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein and further alleges as follows.

61. Defendant knew or should have known that the LIFT V40 Heads it manufactured and distributed contained a manufacturing defect in the Head's bore which would prevent the Accolade TMZF Plus trunnion from achieving the desired taper lock and result in taper lock failure and micro-motion. Defendant also knew or should have known that the titanium alloy used in the Accolade II stem was incompatible with the cobalt chromium in the LFIT V40 Heads which, in the presence of taper lock failure and micromotion, would lead to galvanic and crevice corrosion and fretting, and cause metallosis and ALTR in patients.

62. Defendant had a duty to warn surgeons about the risk of taper lock failure with its LFIT V40 Heads, and to warn surgeons about the risk of resulting micro-motion, corrosion, fretting, metallosis, and ALTR in patients who were implanted with this device.

63. Defendant breached that duty by providing inadequate warnings (or no warnings at all) to surgeons that use of an LFIT V40 Head with an Accolade TMZF Plus stem could result in taper lock failure, corrosion and fretting, and cause substantial injury to the surgeon's patients.

64. If Defendant had warned orthopedic surgeons about the risk of taper lock failure with its LFIT V40 Heads, and that the resulting micro-motion would increase the risk of corrosion and fretting at the trunnion-bore interface, and that such corrosion and fretting could lead to metallosis and ALTR in their patients, orthopedic surgeons (including Plaintiff's surgeon) would not have implanted the Accolade TMZF Plus stem with an LFIT V40 Head, and Plaintiff would

not have developed metallosis and ALTR, and would not have had to undergo a revision surgery less than seven years after her index surgery.

65. As a direct and proximate result of Defendant's failure to warn, Plaintiff suffered all or some of the following: severe physical pain and suffering; emotional distress; mental anguish; loss of the capacity for the enjoyment of life; and incurred medical expenses. These damages have occurred in the past and will continue into the future.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff seeks judgment in her favor as follows:

1. Awarding actual damages to Plaintiff incidental to the purchase and use of the Accolade TMZF Plus/LFIT V40 Head system in an amount to be determined at trial;
2. Awarding the past and future costs of treatment for Plaintiff's injuries caused by the Accolade TMZF Plus/LFIT V40 system;
3. Awarding damages for Plaintiff's physical pain and suffering;
4. Awarding damages for Plaintiff's mental and emotional anguish;
5. Awarding pre-judgment and post-judgment interest to Plaintiff;
6. Awarding, if the Court allows an amended complaint on Plaintiff's motion, for punitive damages;
7. Awarding the costs and expenses of this litigation to Plaintiff;
8. Awarding reasonable attorneys' fees and costs to Plaintiff as provided by law; and
9. For such further relief as this Court deems necessary, just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable.

Dated: March 7, 2017

Respectfully submitted,

SIMON GREENSTONE PANATIER BARTLETT, PC

/s/Amy M. Carter

AMY M. CARTER

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Attorneys for Plaintiff – *Pro Hac Vice Forthcoming*

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
Betty S. Sadler
(b) County of Residence of First Listed Plaintiff Harris
(c) Attorneys (Firm Name, Address, and Telephone Number)
Amy Carter, Simon Greenstone Panatier Bartlett, PC, 3232 McKinney Ave, Dallas, TX 75204, (214) 276-7680

DEFENDANTS
Howmedica Osteonics Corp.
County of Residence of First Listed Defendant Bergen
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1
2 2
3 3
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Contains various legal categories and codes.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 1332
Brief description of cause:
Defective hip implant resulting in personal injury

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$ 75,000.00
CHECK YES only if demanded in complaint:
JURY DEMAND: X Yes [] No

VIII. RELATED CASE(S) IF ANY
(See instructions):
JUDGE
DOCKET NUMBER

DATE 03/07/2017
SIGNATURE OF ATTORNEY OF RECORD /s/Amy M. Carter

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE