

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ROBERT DOUGLAS DEBORD

PLAINTIFF

vs.

CAUSE NO.1:16-cv-01518 -RLY-TAB

COOK INCORPORATED;
COOK MEDICAL LLC; AND
WILLIAM COOK EUROPE APS,

DEFENDANTS

SHORT FORM COMPLAINT

COMES NOW the Plaintiff named below, and for Complaint against the Defendants named below, incorporate The Master Complaint in MDL No. 2570 by reference (Document 213).

Plaintiff further shows the court as follows:

1. Plaintiff/Deceased Party:

ROBERT DOUGLAS DEBORD

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 of residence at the time of implant:

Tennessee

5. Plaintiff's/Deceased Party's state of residence at the time of injury:

Tennessee

6. Plaintiff's/Deceased Party's current state of residence:

Tennessee

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court – Eastern District of Tennessee

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

- Cook Incorporated
- Cook Medical LLC
- William Cook Europe ApS

9. Basis of Jurisdiction:

Diversity of Citizenship

Other: _____

a. Paragraphs in Master Complaint upon which venue and jurisdiction lie: For purposes of remand and trial, venue is proper pursuant to 28 U.S.C. §1391 in the federal judicial district of each Plaintiff's state of residence. A substantial amount of activity giving rise to the claims occurred in this District, and Defendants may be found within this District. Therefore, venue is proper in this jurisdiction under 28 U.S.C. §1391.

b. Other allegations of jurisdiction and venue:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim

(Check applicable Inferior Vena Cava Filters):

X Günther Tulip® Vena Cava Filter

Cook Celect® Vena Cava Filter

Gunther Tulip Mreye

Cook Celect Platinum

Other:

11. Date of Implantation as to each product:

November 22, 2006

12. Hospital(s) where Plaintiff was implanted (including City and State):

Wellmont Health System, Holston Valley Hospital, 130 West Ravine Street, Kingsport,
TN 37660.

13. Implanting Physician(s):

Jeffrey R. Kappa, M.D., 130 West Ravine Street, Kingsport, TN 37660.

14. Counts in the Master Complaint brought by Plaintiff(s):

- Count I: Strict Products Liability – Failure to Warn
- Count II: Strict Products Liability – Design Defect
- Count III: Negligence
- Count IV: Negligence Per Se
- Count V: Breach of Express Warranty
- Count VI: Breach of Implied Warranty
- Count VII: Violations of Applicable _____ (insert State)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- Count VIII: Loss of Consortium
- Count IX: Wrongful Death
- Count X: Survival
- Count XI: Punitive Damages
- Other: _____ (please state the facts supporting
this Count in the space, immediately below)
- Other: _____ (please state the facts supporting
this Count in the space, immediately below)

15. Attorney for Plaintiff(s):

Ben C. Martin and Thomas Wm. Arbon

16. Address and bar information for Attorney for Plaintiff(s):

3219 McKinney Avenue, Dallas, TX 75204

Ben C. Martin, State Bar No.: 13052400

Thomas Wm. Arbon, State Bar No. 01284275

Respectfully submitted,

/s/ Ben C. Martin

Ben C. Martin, Bar No. 13052400

Thomas Wm. Arbon, Bar No. 01284275

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2016, a copy of the foregoing was served electronically and notice of the service of this document will be sent to all parties by operation of the Court's electronic filing system to CM/ECF participants registered to receive service in this matter. Parties may access this filing through the Court's system. A copy of the foregoing was also served via U.S. Mail to the following non-CM/ECF participants:

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/s/ Ben C. Martin

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