

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: DAVOL, INC./C.R. BARD, INC., Case No. 2:18-md-2846
POLYPROPYLENE HERNIA MESH
PRODUCTS LIABILITY LITIGATION JUDGE EDMUND A. SARGUS, JR.**

Magistrate Judge Kimberly A. Jolson

**This document relates to:
WILLIAM MABRY and JOYCE
MABRY
2:24-cv-02853**

AMENDED SHORT FORM COMPLAINT

Plaintiffs, JOYCE MABRY, AS THE ADMINISTRATRIX OF THE ESTATE OF WILLIAM MABRY, and JOYCE MABRY, INDIVIDUALLY, file this Amended Short Form Complaint pursuant to Case Management Order No. 9 and is to be bound by the rights, protections, and privileges and obligations of that Order. Plaintiffs hereby incorporate the Master Complaint in MDL No. 2846 by reference. Plaintiffs further show the Court as follows:

1. The name of the person implanted with Defendants' Hernia Mesh Device:

William Mabry

2. The name of any Consortium Plaintiff (if applicable):

Joyce Mabry

3. Other Plaintiff(s) and Capacity (i.e., administrator, executor, guardian, conservator):

Joyce Mabry, Administratrix of the Estate of William Mabry

4. State of Residence:

Mississippi

5. District Court and Division in which action would have been filed absent direct filing:

U.S. District Court Southern District of Mississippi

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

☒ A. Davol, Inc.

☒ B. C.R. Bard, Inc.

☐ C. Other (please list: _____)

7. Identify which of Defendants' Hernia Mesh Device(s) was/were implanted
(Check device(s) implanted):

☐ 3DMax Mesh

☐ 3DMax Light Mesh

☐ Bard (Marlex) Mesh Dart

☐ Bard Mesh

☐ Bard *Soft* Mesh

☐ Composix

☐ Composix E/X

☐ Composix Kugel Hernia Patch

☐ Composix L/P

- ☐ Kugel Hernia Patch
- ☐ Marlex
- ☐ Modified Kugel Hernia Patch
- ☒ Perfix Light Plug
- ☒ PerFix Plug
- ☐ Sepramesh IP
- ☐ Sperma-Tex
- ☐ Ventralex Hernia Patch
- ☐ Ventralex ST Patch
- ☐ Ventralight ST
- ☐ Ventrío Patch
- ☐ Ventrío ST
- ☐ Visilex
- ☒ Other (please list in space provided below):

Surgical Chart states “Perfix Plug-XLG 0117080 [12045], C.R. Bard, Lot Number HUDZ2045”; “PerFix Light Plug, C.R. Bard, Device Identifier 00801741030970, Lot Number HUDZ2045”; and “Bard inguinal hernia plug and patch.”

8. Defendants’ Hernia Mesh Device(s) about which Plaintiff is making a claim
(Check applicable device(s)):

- ☐ 3DMax Mesh

- ☐ 3DMax Light Mesh
- ☐ Bard (Marlex) Mesh Dart
- ☐ Bard Mesh
- ☐ Bard *Soft* Mesh
- ☐ Composix
- ☐ Composix E/X
- ☐ Composix Kugel Hernia Patch
- ☐ Composix L/P
- ☐ Kugel Hernia Patch
- ☐ Marlex
- ☐ Modified Kugel Hernia Patch
- ☒ Perfix Light Plug
- ☒ PerFix Plug
- ☐ Sepramesh IP
- ☐ Sperma-Tex
- ☐ Ventralex Hernia Patch
- ☐ Ventralex ST Patch
- ☐ Ventralight ST
- ☐ Ventrío Patch
- ☐ Ventrío ST
- ☐ Visilex

☒ Other (please list in space provided below):

Surgical Chart states “Perfix Plug-XLG 0117080 [12045], C.R. Bard, Lot Number HUDZ2045”; “PerFix Light Plug, C.R. Bard, Device Identifier 00801741030970, Lot Number HUDZ2045”; and “Bard inguinal hernia plug and patch.”

9. Date of Implantation and state of implantation: September 25, 2020; Mississippi.

10. As of the date of filing this Short Form Complaint, has the person implanted with Defendants’ Hernia Mesh Device(s) had subsequent surgical intervention due to the Hernia Mesh Device(s)? Yes **X** No _____

11. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

12. Counts in the Master Complaint adopted 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– Negligence Per Se

☒ Count VI– Gross Negligence

☒ Count VII – State Consumer Protection Laws (Please identify applicable State Consumer Protection law(s)):

Louisiana Products Liability Act (La. R.S. 9:2800.52) and Louisiana
Unfair Trade Practices and Consumer Protection Law (La. R.S. 51:1401,
et seq)

- ☒ Count VIII – Breach of Implied Warranty
- ☒ Count IX – Breach of Express Warranty
- ☒ Count X – Negligent Infliction of Emotional Distress
- ☒ Count XI – Intentional Infliction of Emotional Distress
- ☒ Count XII – Negligent Misrepresentation
- ☒ Count XIII – Fraud and Fraudulent Misrepresentation
- ☒ Count XIV – Fraudulent Concealment
- ☒ Count XV – Wrongful Death
- ☒ Count XVI – Loss of Consortium
- ☒ Count XVII – Punitive Damages
- ☐ Other Count(s) (please identify and state factual and legal
bases for other claims not included in the Master Complaint

below):

- ☒ Jury Trial is Demanded as to All Counts
- ☐ Jury Trial is NOT Demanded as to All Counts; if Jury Trial is
Demanded as to Any Count(s), identify which ones (list below):

/s/ Matthew A. Mang

Attorney for Plaintiffs, Joyce Mabry, as
the Administratrix of the Estate of
William Mabry, and Joyce Mabry

Respectfully submitted,

Matthew A. Mang (#34655)

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