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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

IN RE: Bard Implanted Port Catheter  
Products Liability Litigation

MDL No. 3081

THIS DOCUMENT RELATES TO:

**MASTER SHORT-FORM  
COMPLAINT AND JURY TRIAL  
DEMAND**

Danielle Rose

Plaintiff(s),

v.

Becton Dickinson and Company, et al.,

Defendants.

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate(s) by reference the Amended Master Complaint in MDL 3081 (Doc. 494). Pursuant to Case Management Order No. 7, as amended (Doc. 526) this Short-Form Complaint adopts the allegations, claims, and relief as set forth in the Master Long-Form Complaint. As set forth below, Plaintiff(s) may include (a) additional claims and allegations against Defendants, as set forth in Paragraph 15 or an additional sheet attached hereto; and/or (b) additional claims and allegations against other Defendants, as set forth in Paragraph 5 or an additional sheet attached hereto. Plaintiff(s) further allege(s) as follows:

1 **I. PLAINTIFF(S)**

- 2 1. Name of Plaintiff/Decedent implanted with Bard Implanted Port Catheter  
3 Product ("Device") (first, middle, and last name):

4 Danielle Rose

- 5 2. Name of Plaintiff/Decedent's spouse (if bringing a loss-of-consortium claim):

6 Shannon Rose

- 7 3. Other Plaintiff and capacity (*i.e.*, administrator, executor, guardian, conservator,  
8 representative, survivor, etc.), if any:

9  
10 **II. DEFENDANT(S)**

- 11 4. Plaintiff(s) name(s) the following Defendant(s) in this action:

12 ☒ Becton, Dickinson and Company

13 ☒ C.R. Bard, Inc.

14 ☒ Bard Access Systems, Inc.

15 ☒ Bard Peripheral Vascular, Inc.

- 16 5. Plaintiff(s) contend(s) that additional parties may be liable or responsible for  
17 Plaintiff(s)' damages alleged herein. Such additional parties and their  
18 citizenship are as follows:

19  
20  
21  
22 **III. JURISDICTION AND VENUE**

- 23 6. City and State of domicile of each Plaintiff at time of filing Plaintiff(s)' initial  
24 Complaint:

25 Ripley, WV

- 26 7. City and State of residence of Plaintiff/Decedent at the time of Device  
27 placement:

28 Ripley, WV

1 8. City and State of residence of Plaintiff/Decedent at the time of alleged injury  
2 for which a claim is asserted:

3 Ripley, WV  
4

5 9. Basis for jurisdiction:

6 ☒ Diversity of citizenship (28 U.S.C. § 1332(a))

7 ☐ Other:  
8

9 a. Other allegations of jurisdiction and venue not expressed in Master  
10 Complaint:  
11

12 10. Designated forum (United States District Court and Division, if applicable) in  
13 which Plaintiff asserts personal jurisdiction and venue would be proper absent  
14 direct filing in this MDL:

15 United States District Court Southern District of West Virginia - Charleston Division  
16

17 **IV. PRODUCT USE AND INJURY**

18 11. Plaintiff/Decedent was implanted with the following Device(s) and alleges that  
19 the Device(s) caused their injuries<sup>1</sup>:

20 ☐ BardPort M.R.I. Implantable Port

21 ☐ BardPort M.R.I. Low-Profile Implantable Port

22 ☐ BardPort Titanium Dome Implantable Port

23 ☐ BardPort Titanium Implantable Port

24 ☐ M.R.I. Plastic Dual Lumen Port

25 ☐ M.R.I. Ultra SlimPort Implantable Port

26 ☐ Peritoneal Titanium Port

27 ☐ PowerFlow Implantable Apheresis IV Port

28 ☐ PowerPort ClearVUE isp Implantable Port

<sup>1</sup> Check all that apply. See Exhibit A for additional information regarding the corresponding model numbers/product codes for these Devices.

- 1 ☐ PowerPort ClearVUE Slim Implantable Port
- 2 ☒ PowerPort duo M.R.I. Implantable Port
- 3 ☐ PowerPort Implantable Port
- 4 ☐ PowerPort isp Implantable Port
- 5 ☐ PowerPort isp M.R.I. Implantable Port
- 6 ☐ PowerPort M.R.I. Implantable Port
- 7 ☐ PowerPort Slim Implantable Port
- 8 ☐ PowerPort VUE M.R.I. Implantable Port
- 9 ☐ PowerPort VUE Titanium Implantable Port
- 10 ☐ SlimPort Dual-Lumen Rosenblatt Implantable Port
- 11 ☐ Titanium Low-Profile Port
- 12 ☐ Titanium SlimPort Implantable Port
- 13 ☐ Vaccess CT Low-Profile Titanium Power-Injectable Port
- 14 ☐ Vaccess CT Power-Injectable Implantable Port
- 15 ☐ X-Port isp M.R.I. Implantable Port
- 16 ☐ X-Port Low-Profile Titanium Port
- 17 ☐ Other: \_\_\_\_\_

18 12. Date(s) of implantation as to the foregoing Device(s):

19 07/24/2019

20 \_\_\_\_\_

21 13. Model number(s)/product code(s), if available, for the foregoing Device(s):

22 Model#: 1829500

23 Lot#: REDP3364

24 14. Complication(s) alleged to have occurred from use of the foregoing Device(s):

25 ☐ Catheter fracture

26 ☒ Infection

27 ☐ Thrombosis

28 ☐ Other: \_\_\_\_\_

**V. CAUSES OF ACTION**

15. Plaintiff(s) adopt(s) in this Short-Form Complaint the following claims and allegations asserted in the Master Long-Form Complaint:

- ☒ Count I: Design Defect – Strict Liability
- ☒ Count II: Design Defect – Negligence
- ☒ Count III: Failure to Warn/Instruct – Strict Liability
- ☒ Count IV: Failure to Warn/Instruct – Negligence
- ☒ Count V: Manufacturing Defect – Strict Liability
- ☒ Count VI: Manufacturing Defect – Negligence
- ☒ Count VII: Breach of Express Warranty
- ☒ Count VIII: Breach of Implied Warranty
- ☒ Count IX: Negligent Misrepresentation
- ☒ Count X: Fraudulent Misrepresentation
- ☒ Count XI: Fraudulent Concealment
- ☒ Count XII: Consumer Fraud and/or Unfair and Deceptive Trade Practices
- ☒ Count XIII: Unjust Enrichment
- ☒ Count XIV: Loss of Consortium
- ☐ Count XV: Wrongful Death
- ☐ Count XVI: Survival
- ☒ Count XVII: Successor Liability
- ☒ Timeliness and Tolling of Statutes of Limitation and Repose
- ☒ Punitive Damages
- ☐ Count XVIII: Other \_\_\_\_\_

If additional claim(s) against Defendant(s) are alleged in Count XVIII above, the facts supporting such claim(s) must be pleaded. Plaintiff(s) assert(s) the following factual allegations:

1 16. Jury Trial demanded for all issues so triable?

2 ☒ Yes

3 ☐ No

4  
5 WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants and  
6 all such further relief that this Court deems equitable and just as set forth in the Master  
7 Long-Form Complaint and Jury Demand and any additional relief to which Plaintiff(s)  
8 may be entitled.  
9

10 Dated: 08/08/2024

Respectfully submitted,

11 /s/ Jon C. Conlin  
12

13 Attorney Name, Bar No./PHV: Jon C. Conlin

14 Firm Name: Cory Watson, PC

15 Firm Street Address/Suite: 2131 Magnolia Avenue South

16 Firm City/State, Z IP: Birmingham, AL 35205

17 Firm Phone : 205-328-2200

18 Firm Fax: 205-324-7986

19 Attorney Email: jconlin@corywatson.com  
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**EXHIBIT A**

<b><u>Brand Name</u></b>	<b><u>Model Number/Product Code</u></b>
BardPort M.R.I. Implantable Port	0602610, 0602620, 0602640, 0602650, 0602660, 0602670, 0602680, 0602690, 0602830, 0602833, 0602840, 0602843, 0605400, 0605420, 0607173
BardPort M.R.I. Low-Profile Implantable Port	0603830, 0603840, 0603870, 0603880, 6603880
BardPort Titanium Dome Implantable Port	0602850, 0602860, 0602870
BardPort Titanium Implantable Port	0602230, 0602240, 0602270, 0602290, 0603000, 0602820, 0605300, 0605320, 0607301, 0607302, 0602210, 0602260, 0602280, 0602810
M.R.I. Plastic Dual Lumen Port	0603500, 0605920, 0605930, 0607100, 0607200, 0615460
M.R.I. Ultra SlimPort Implantable Port	0605640, 0655640
Peritoneal Titanium Port	0603000, 0603006
PowerFlow Implantable Apheresis IV Port	A710962
PowerPort ClearVUE isp Implantable Port	1606052, 1606062, 1606362, 1606382, 1608052, 1608062, 1608362, 1608382, 1666362, 1668362, 1676300, 5606362, 5608062, 5608362, 5666362, 5668362, CP00004

PowerPort ClearVUE Slim Implantable Port	1616000, 1616001, 1616070, 1616071, 1616300, 1616380, 1618000, 1618001, 1618070, 1618300, 1618380, 1676301, 1678300, 1678301, 5616000, 5616300, 5618000, 5618300, 5676300, 5676301, 5678300, 5678301, CP00005
PowerPort duo M.R.I. Implantable Port	1829500, 1829570, 5829500, 5829502
PowerPort Implantable Port	1708000, 1708001, 1708070, 1708071, 1709600, 1709601, 1759600, 1759601, 1778000, 1778001, 1778070, 1778071
PowerPort isp Implantable Port	1706050, 1706051, 1706060, 1706061, 1708050, 1708051, 1708060, 1708061, 1708160, 1708550, 1708551, 1708560, 1708561, 4708060, 4708061, 4708560, 4708561, CP00001, CP00002, CP00003, CP00009
PowerPort isp M.R.I. Implantable Port	1806050, 1806051, 1806060, 1806061, 1808050, 1808051, 1808060, 1808061, 1808069, 1808360, 1808550, 1808551, 1808560, 1808561, 1809660, 1809661, 1859660, 1859661, 4808060, 4808061, 4808560, 4808561, 9808560
PowerPort M.R.I. Implantable Port	1808000, 1808001, 1808002, 1808070, 1808071, 1808300, 1809600, 1809601, 1809670, 1859600, 1859601, 1878000, 1878001, 1878070, 1878071



PowerPort Slim Implantable Port	1716000, 1716001, 1716070, 1716071, 1716080, 1718000, 1718001, 1718070, 1718500, 1718501, 1718570, 1718571, CP00008
PowerPort VUE M.R.I. Implantable Port	1806052, 1806062, 1808052, 1808062
PowerPort VUE Titanium Implantable Port	1706052, 1706062, 1708052, 1708062
SlimPort Dual-Lumen Rosenblatt Implantable Port	0604970, 0624970, 0654970
Titanium Low-Profile Port	0602180, 0602190, 0605490, 0605510, 0606100, 0606150, 0606200
Titanium SlimPort Implantable Port	0605550, 0605560, 0655510
Vaccess CT Low-Profile Titanium Power-Injectable Port	7360000, 7360001, 7380000
Vaccess CT Power-Injectable Implantable Port	7460000, 7480000, 7496000
X-Port isp M.R.I. Implantable Port	0607500, 0607510, 0607520, 0607530, 0607540, 0607550, 0607555, 0657500, 0657510, 0657520, 0657525, 7707540, 7757540
X-Port Low-Profile Titanium Port	0655870, 0605840, 0605850

## 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**

Danielle Rose

(b) County of Residence of First Listed Plaintiff Jackson County, WV  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Cory Watson, P.C., 2131 Magnolia Avenue South, Ste  
200, Birmingham, AL 35205

**DEFENDANTS**

Becton, Dickinson &amp; Company., et al.

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

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 ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 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)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1            | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input checked="" type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>INTELLECTUAL PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**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 USC§1332, 28 USC§1391

Brief description of cause:

Action for damages arising from claims re sale of defective/dangerous products

**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: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE

SIGNATURE OF ATTORNEY OF RECORD

08/08/2024

Jon C. Conlin

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_