

Edward J. Fanning, Jr. (Admitted Pro Hac Vice)
McCARTER & ENGLISH, LLP
Four Gateway Center
100 Mulberry Street
Newark, New Jersey 07102
Phone: (973) 639-7927
Fax: (973) 297-3868
Email: efanning@mccarter.com

Richard B North, Jr. (Admitted Pro Hac Vice)
NELSON MULLINS RILEY &
SCARBOROUGH LLP
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
Phone: (404) 322-6155
Fax: (404) 322-6050
Email: richard.north@nelsonmullins.com

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

**IN RE: Bard Implanted Port Catheter
Products Liability Litigation**

No. 2:23-md-3081-PHX-DGC

**AMENDED NOTICE OF FILING
PROPOSED VERDICT FORM**

THIS DOCUMENT RELATES TO:

Assigned to: Hon. David. G. Campbell

Kimberly Divelbliss
Civil Case No. 2:23-cv-1627-DGC

On July 10, 2026, Defendants erroneously uploaded the Notice of Filing, Doc. 9491, twice instead of attaching Defendants' Proposed Verdict Form. Notice is hereby given that the Parties hereby provide to the Court their Proposed Verdict Forms:

Exhibit A is Plaintiff's Proposed Verdict Form

Exhibit B is Defendants' Proposed Verdict Form

Dated this 13th day of July, 2026.

MCCARTER & ENGLISH, LLP

By: s/ Edward J. Fanning, Jr.
Edward J. Fanning, Jr.
(Admitted Pro Hac Vice)
Four Gateway Center
100 Mulberry Street
Newark, New Jersey 07102
Phone: (973) 639-7927
Fax: (973) 297-3868
Email: efanning@mccarter.com

NELSON MULLINS RILEY &
SCARBOROUGH LLP

By: s/ Richard B North, Jr.
Richard B North, Jr.
(Admitted Pro Hac Vice)
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
Phone: (404) 322-6155
Fax: (404) 322-6050
Email:
richard.north@nelsonmullins.com

Attorneys for Defendants

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

IN RE: Bard Implanted Port Catheter
Products Liability Litigation

THIS DOCUMENT RELATES TO:

Kimberly Divelbliss,

C.A. No. CV-23-01627-PHX-DGC

Kimberly Divelbliss,

Plaintiff,

v.

Becton, Dickinson and Company, et al.,

Defendants.

MDL No. 3081

**PLAINTIFF'S PROPOSED
VERDICT FORM – PHASE I**

We, the jury, duly paneled and sworn in the above entitled action, upon our oaths,
find as follows:

A. STRICT LIABILITY - DESIGN DEFECT

1. Do you find that Defendants are liable to Plaintiff on her claim of strict
liability for design defect?

_____Yes _____No

B. STRICT LIABILITY – MANUFACTURING DEFECT

2. Do you find that Defendants are liable to Plaintiff on her claim of strict
liability for manufacturing defect?

_____Yes _____No

C. STRICT LIABILITY – FAILURE TO WARN OR INSTRUCT

3. Do you find that Defendants are liable to Plaintiff on her claim of strict liability for failure to warn or instruct?

_____Yes _____No

D. NEGLIGENCE DESIGN

4. Do you find that Defendants are liable to Plaintiff on her claim of negligent design?

_____Yes _____No

E. NEGLIGENCE MANUFACTURING

5. Do you find that Defendants are liable to Plaintiff on her claim of negligent manufacturing?

_____Yes _____No

F. NEGLIGENCE FAILURE TO WARN OR INSTRUCT

6. Do you find that Defendants are liable to Plaintiff on her claim of negligent failure to warn or instruct?

_____Yes _____No

G. NEGLIGENCE MISREPRESENTATION

7. Do you find that Defendants are liable to Plaintiff on her claim of negligent misrepresentation?

_____Yes _____No

H. FRAUDULENT MISREPRESENTATION

8. Do you find that Defendants are liable to Plaintiff on her claim of fraudulent misrepresentation?

_____Yes _____No

I. FRAUDULENT CONCEALMENT

9. Do you find that Defendants are liable to Plaintiff on her claim of fraudulent concealment?

_____Yes _____No

J. COMPARATIVE NEGLIGENCE

If you answered “Yes” to question 1, 2, 3, 4, 5, 6, and/or 7, then answer question 10. If you answered “No” to all of those questions, then skip question 10 and proceed to section K.

10. Do you find that Defendants have proved their affirmative defense of comparative negligence by Dr. Dim?

_____Yes _____No

K. COMPENSATORY DAMAGES

If you answered “Yes” to question 1, 2, 3, 4, 5, 6, 7, 8, and/or 9, then answer question 11. If you did not find Defendants liable on any of Plaintiff’s claims, then skip the remaining questions and have the presiding juror sign and date this verdict form.

11. What are Plaintiff’s total damages?

a. Past medical expenses \$ _____

b. Disfigurement \$ _____

c. Past pain and suffering \$ _____

d. Future pain and suffering \$ _____

e. Past loss of enjoyment of life \$ _____

f. Future loss of enjoyment of life \$ _____

TOTAL \$ _____

L. APPORTIONMENT

If you answered “Yes” to question 10, then answer question 12. If you answered “No” to question 10, then skip question 12 and proceed to section M.

12. What percentage of fault do you attribute to Bard and Dr. Dim? Your total apportionment of fault must add up to 100%.

Bard _____%

Dr. Dim _____%

Total 100%

M. FINDING OF PUNITIVE CONDUCT

13. Do you find that Defendants' conduct was malicious, willful, reckless, wanton, or fraudulent?

_____Yes _____No

Have the Presiding Juror sign and date this verdict form.

Signed: _____
 Presiding Juror

Dated: _____

After this verdict form has been signed and dated, notify the court clerk that you are ready to present your verdict in the courtroom.

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

IN RE: Bard Implanted Port Catheter
Products Liability Litigation

THIS DOCUMENT RELATES TO:

Kimberly Divelbliss,

C.A. No. CV-23-01627-PHX-DGC

Kimberly Divelbliss,

Plaintiff,

v.

Becton, Dickinson and Company, et al.,

Defendants.

MDL No. 3081

**PLAINTIFF'S PROPOSED
VERDICT FORM – PHASE II**

We, the jury, duly paneled and sworn in the above entitled action, upon our oaths,
find as follows:

A. PUNITIVE DAMAGES

1. What amount of punitive damages do you award Plaintiff against
Defendants?

\$_____

Have the Presiding Juror sign and date this verdict form.

Signed: _____

Presiding Juror

Dated: _____

After this verdict form has been signed and dated, notify the court clerk that you are ready to present your verdict in the courtroom.

Richard B. North, Jr. (Admitted *Pro Hac Vice*)
NELSON MULLINS RILEY &
SCARBOROUGH, LLP
Atlantic Station
201 17th Street, NW, Ste. 1700
Atlanta, GA 30363
Phone: (404) 322-6000
Fax: (404) 322-6050
Email: richard.north@nelsonmullins.com

Edward J. Fanning (Admitted *Pro Hac Vice*)
McCARTER & ENGLISH, LLP
Four Gateway Center
100 Mulberry Street
Newark, New Jersey 07102
Phone: (973) 639-8486
Fax: (973) 797-3868
Email: efanning@mccarter.com

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

IN RE: Bard Implanted Port Catheter
Products Liability Litigation

Kimberly Divelbliss,

Individual Plaintiff,

vs.

Becton, Dickinson and Company, et
al.,

Defendants

MDL No. 3081

No. CV-23-01627-PHX-DGC

**DEFENDANTS' PROPOSED
VERDICT FORM**

We, the jury, duly empaneled and sworn in the entitled action, upon our oath, find
as follows:

LIABILITY

1. Product Liability Design Defect Claim

Do you find by a greater weight of the evidence that Bard is liable to Ms. Divelbliss on the product liability design defect claim?

☐ Yes ☐ No

2. Product Liability Manufacturing Defect Claim

Do you find by a greater weight of the evidence that Bard is liable to Ms. Divelbliss on the product liability manufacturing defect claim?

☐ Yes ☐ No

3. Product Liability Failure to Warn Claim

Do you find by a greater weight of the evidence that Bard is liable to Ms. Divelbliss on the strict liability failure to warn claim?

☐ Yes ☐ No

4. Negligent Design Claim

If your answer is “No” to Question 1 on the Product Liability Design Defect Claim, then do not answer this question and move to Question 5. If your answer is “Yes” to Question 1 regarding the Products Liability Design Defect Claim, then answer the following question: Do you find by a greater weight of the evidence that Bard is liable to Ms. Divelbliss on the negligent design claim?

☐ Yes ☐ No

5. Negligent Manufacturing Claim

If your answer is “No” to Question 2 on the Product Liability Manufacturing Defect Claim, then do not answer this question and move to Question 5. If your answer is “Yes” to Question 2 regarding the Product Liability Manufacturing Defect Claim: Do you find by a greater weight of the evidence that Bard is liable to Ms. Divelbliss on the negligent manufacturing claim?

☐ Yes ☐ No

6. Negligent Failure to Warn Claim

If your answer is “No” to Question 3 on the Product Liability Failure to Warn Claim, then do not answer this question and move to Question 5. If your answer is “Yes” to Question 3 regarding the Product Liability Manufacturing Defect Claim: Do you find by a greater weight of the evidence that Bard is liable to Ms. Divelbliss on the negligent failure to warn claim?

____ Yes ____ No

7. Negligent Misrepresentation Claim

Do you find by a greater weight of the evidence that Bard is liable to Ms. Divelbliss on the negligent misrepresentation claim?

____ Yes ____ No

8. Fraudulent Misrepresentation Claim

Do you find by clear and convincing evidence that Bard is liable to Ms. Divelbliss on the fraudulent misrepresentation claim?

____ Yes ____ No

9. Fraudulent Concealment Claim

Do you find by clear and convincing evidence that Bard is liable to Ms. Divelbliss on the fraudulent concealment claim?

____ Yes ____ No

If you answered no to Questions 1-9, do not answer any more Questions and sign the verdict form. If you answered yes to any of those Questions, answer Question 10.

10. Intervening Cause – Dr. Dim

Do you find by a greater weight of the evidence that Dr. Dim’s actions caused Ms. Divelbliss’s injuries?

____ Yes ____ No

If you answered Yes to Question 10, do not answer any more Questions and sign the verdict form. If you answered no to Question 10, answer Question 11.

11. Comparative fault

Do you find by a greater weight of the evidence that Dr Dim's actions contributed to Ms. Divelbliss's injuries?

____ Yes ____ No

If you answered Question 11 "yes" What percentage of fault do you attribute to Dr. Dim and to Bard (your total must equal 100%)?

Dr. Dim: ____%

Bard: ____%

COMPENSATORY DAMAGES

What amount of damages do you find will reasonably compensate Ms. Divelbliss for her injuries?

\$ _____

Presiding Jury Number

Date