

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

This Document Relates to All Actions

**PRETRIAL ORDER NO. 8:
Master Long and Short Form
Complaints and Jury Demand**

Pursuant to the parties' joint submission to the Court, **IT IS HEREBY**

ORDERED that:

APPLICABILITY OF ORDER

1. This Order shall apply to all individual personal injury Complaints filed by Plaintiffs and their counsel for actions relating to Bair Hugger Forced Air Warming Products that are filed directly in MDL No. 15-2666 (JNE/FLN), or are transferred to these proceedings.

2. Plaintiffs have filed a Master Long Form Complaint and a Master Short Form Complaint as administrative devices to set forth potential claims detailed in the Master Long Form Complaint that individual Plaintiffs may assert against Defendants in this litigation. All allegations pled therein are deemed pled, and all parties named therein are deemed named, in any previously filed Complaint and in any Short Form Complaint hereafter filed, *nunc pro tunc*, to the date each such Complaint was originally filed. The Master Long Form Complaint and Master Short Form Complaint are attached hereto as Exhibits A and B, respectively.

SERVICE

3. Defendants do not agree to waive service and all Defendants must be served in accordance with the Federal Rules of Civil Procedure or as otherwise agreed to by the parties. Pretrial Order No. 6 details an agreed-upon email service program.

FORM OF DIRECT FILED COMPLAINTS

4. In the interests of judicial economy, Plaintiffs filing cases directly into MDL No. 15-2666 (JNE/FLN) shall file Short Form Complaints which are in an abbreviated form and which articulate as provided in the Short Form Complaint the injury, the dates, the home state, the plaintiff's date of birth, the basic theories of liability, and the suggested jurisdiction for remand. Said Short Form Complaint is annexed hereto as Exhibit B.

5. Defendants will follow deadlines outlined in Pretrial Order No. 4 with respect to motions brought pursuant to Rule 12(b)(6) against any Master Long Form or Master Short Form Complaints or future Answers asserting a failure to plead allegations with specificity, or failing to meet the requirements of Fed. R. Civ. P. 8. Motion practice on the individual personal injury Complaints and future Answers subject to this Order shall be stayed and may proceed only according to Pretrial Order No. 4 or upon leave of the Court.

6. All Plaintiffs have the express right to file and serve an Amended Complaint, upon the showing required by the relevant Federal Rules of Civil Procedure and any applicable court order, regardless of selection for bellwether consideration,

which more fully sets forth the facts specific to their case, the causes of action and allegations against Defendants and theories of liability alleged.

Dated: May 24, 2016

s/ Joan N. Ericksen

JOAN N. ERICKSEN
United States District Judge