

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE MEDTRONIC, INC., SPRINT)
FIDELIS LEAD PRODUCTS)
LIABILITY LITIGATION)
_____)

MDL No. 08-1905 (RHK/JSM)

**COMPLAINT BY ADOPTION
FOR INDIVIDUALS**

JURY TRIAL DEMANDED

_____)
_____)
_____)
_____)
_____)
Plaintiff(s),)
_____)
-against-)
_____)
MEDTRONIC, INC.,)
_____)
_____)
Defendant,)
_____)

COMPLAINT BY ADOPTION

1. Plaintiff(s), _____, state(s) his/her/theirs claims against Defendant(s), indicated below, and incorporate(s) by reference the relevant portions of the Master Consolidated Complaint for Individuals (the “Master Complaint”) on file with the Clerk of the Court for the United States District Court for the District of Minnesota in the matter entitled In Re MEDTRONIC, INC., SPRINT FIDELIS LEAD PRODUCT LIABILITY LITIGATION, Docket # MDL No. 08-1905 (RHK/JSM).

2. Plaintiff _____, is a citizen and resident of _____ and claims damages as set forth below.

a. Plaintiff _____, is a citizen and resident of _____, and claims damages for loss of consortium. [Not Applicable: _____]

ALLEGATIONS AS TO INJURIES

3. Plaintiff _____ has suffered injuries as a result of having been implanted with the following Sprint Fidelis Lead(s) (the "Lead") manufactured by Defendant(s):

1. _____, Serial Number [_____]

2. _____, Serial Number [_____]

Defendant(s), listed below, by its/their actions or inactions proximately caused Plaintiff's injuries.

4. As a result of the injuries that Plaintiff has sustained, he/she is entitled to recover compensatory, equitable and/or other relief.

5. On _____ Plaintiff had the above referenced Lead(s) implanted by _____ (if known) at _____ (if known).

6. Plaintiff experienced inappropriate shocks as a result of the Lead(s). These shocks occurred on or around _____ date (if known). [Not Applicable: _____]

7. On _____ Plaintiff had the above-referenced Lead(s) explanted by _____ at _____. [Not Applicable: _____]

8. As a result of the Lead(s), Plaintiff suffered injury and damages as set forth in the Master Complaint.

9. To the extent that this Complaint by Adoption includes a claim for loss of consortium, Plaintiff _____ is entitled to recover compensatory, equitable and/or other relief.

[Not Applicable: _____]

ALLEGATIONS AS TO DEFENDANTS

10. The following entity is named as Defendant herein and the allegations with regard thereto in the Master Complaint are herein adopted by reference.

____ MEDTRONIC, INC.

___ MEDTRONIC PUERTO RICO, INC., (N/K/A MEDTRONIC INTERNATIONAL TECHNOLOGY, INC.),

___ MEDTRONIC PUERTO RICO OPERATIONS CO.

___ OTHER

SPECIFIC ALLEGATIONS AND THEORIES OF RECOVERY

11. The following claims and allegations asserted in the Master Complaint and the allegations with regard thereto in the Master Complaint are herein adopted by reference:

_____ **INTRODUCTION;**

_____ **PARTIES;**

_____ **JURISDICTION AND VENUE;**

_____ **FACTUAL ALLEGATIONS;**

_____ **COUNT ONE (Strict Liability – Failure to Warn and Instruct);**

_____ **COUNT TWO (Strict Liability - Manufacturing Defect);**

_____ **COUNT THREE (Negligence);**

_____ **COUNT FOUR (Negligence Per Se);**

_____ **COUNT FIVE (Breach of Implied Warranty);**

_____ **COUNT SIX (Breach of Express Warranty);**

_____ **COUNT SEVEN (Negligent Misrepresentation);**

_____ **COUNT EIGHT (Intentional Misrepresentation);**

_____ **COUNT NINE (Fraud);**
_____ **COUNT TEN (Constructive Fraud);**
_____ **COUNT ELEVEN (Violation of Minnesota False Statements in Advertising Act);**
_____ **COUNT TWELVE (Violation of the Minnesota Deceptive Trade Practice Act);**
_____ **COUNT THIRTEEN (Violation of the Minnesota Prevention of Consumer Fraud Act);**
_____ **COUNT FOURTEEN (Violation of the Senior Citizen and Handicapped Person Consumer Fraud Act, Minnesota Statute 325F.71);**
_____ **COUNT FIFTEEN (Negligent Infliction of Emotional Distress);**
_____ **COUNT SIXTEEN (Loss of Consortium);**
_____ **COUNT SEVENTEEN (Wrongful Death, Minn. Stat. §573.02(1));**
_____ **COUNT EIGHTEEN (Survival Action, Minn.Stat. §573.02(2));**
_____ **COUNT NINETEEN (Medical Monitoring);**
_____ **COUNT TWENTY (Unjust Enrichment);**
_____ **COUNT TWENTY ONE (Medicare Secondary Payer Act);**
_____ **COUNT TWENTY TWO (State Law Specific Cause of Action or Other Cause of Action to be set forth on an attached document and incorporated by reference).**

PRAYER FOR RELIEF

WHEREFORE, Plaintiff(s) seeks judgment favor against Defendant(s) as follows:

1. Economic and non-economic damages in an amount in excess of \$75,000 as provided by law and to be supported by the evidence at trial;
2. For the equitable relief requested;
3. For compensatory damages according to proof;
4. For all applicable statutory damages under the Medicare Secondary Payer Act and the applicable consumer protection legislation;
5. For declaratory judgment that Defendant(s) is/are liable to Plaintiff(s) for all evaluative, monitoring, diagnostic, preventative, and corrective medical, surgical, and incidental expenses, costs and losses caused by Defendants' wrongdoing;
6. For disgorgement of profits;

7. For an award of attorneys' fees and costs;
8. For prejudgment interest and the costs of suit; and
9. For such other and further relief as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff(s) hereby demand a trial by jury as to all claims in this action.

Date: _____

Respectfully submitted:
Plaintiffs Counsel
