

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In Re: Medtronic, Inc. Implantable Defibrillators
Products Liability Litigation

MDL No. 05-1726 (JMR/ABJ)

This Document Relates to All Actions

**ORDER RE: COMPLAINT
BY ADOPTION FORM**

The Parties submitted an agreed upon Complaint by Adoption form in the above-referenced matter.

The Court hereby Orders that any individual may use the attached Complaint by Adoption form to adopt relevant portions of the Mater Consolidated Complaint for Individuals on file with the Clerk of Court in the above-referenced matter.

Date: March 19, 2006

____s/ Arthur J. Boylan_____
ARTHUR J. BOYLAN
United States Magistrate Judge

MEDTRONIC, INC., IMPLANTABLE DEFIBRILLATORS PRODUCT LIABILITY
LITIGATION, Docket # MDL No. 05-1726 (JMR/AJB).

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

ALLEGATIONS AS TO INJURIES

3. The plaintiff has suffered injuries as a result of having the following implantable defibrillator device(s) manufactured by defendant:

1. _____
2. _____

Defendant listed below by its 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 and punitive damages.

5. That on _____ the plaintiff had the above referenced defibrillator(s) implanted by _____ at _____.

6. That on _____ the plaintiff had the above-referenced defibrillator(s) explanted by _____ at _____.

6. As a result of the defibrillator(s), plaintiff suffered injury and damages as set forth in the Master Complaint.

7. To the extent that this Complaint by Adoption includes a claim for loss of consortium, that plaintiff is entitled to recover compensatory and punitive damages.

ALLEGATIONS AS TO DEFENDANTS

8. 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.

SPECIFIC ALLEGATIONS AND THEORIES OF RECOVERY

9. 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:

_____ **NATURE OF THE ACTION;**

_____ **PARTIES;**

_____ **JURISDICTION AND VENUE;**

_____ **FACTUAL ALLEGATIONS;**

_____ **COUNT ONE (Negligence);**

_____ **COUNT TWO (Strict Liability: Design and Manufacturing Defect);**

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

_____ **COUNT FOUR (Strict Liability: Failure to Warn);**

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

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

_____ **COUNT SEVEN (Misrepresentation by Omission);**

_____ **COUNT EIGHT (Violation of Minn. False Statement in Advertisement Act);**

_____ **COUNT NINE (Violation of the Minnesota Prevention of Consumer Fraud Act);**

_____ **COUNT TEN (Violation of the Minnesota Deceptive Trade Practice Act);**

_____ **COUNT ELEVEN (Violation of Consumer Protection Statutes);**

_____ **COUNT TWELVE (Unjust enrichment);**

_____ **COUNT THIRTEEN (Loss of Consortium);**

_____ **COUNT FOURTEEN (State Law Specific Cause of Action to be set forth on an attached document and incorporated by reference).**

PRAYER FOR RELIEF

WHEREFORE, Plaintiff(s) seeks judgment in favor against the Defendant 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. An award of attorneys' fees and costs of suit, as provided by law;
3. Such other legal and equitable relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

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

Respectfully submitted:
Counsel for Plaintiff(s)

Date: _____