

EXHIBIT B

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE: Stryker Rejuvenate and ABG II Hip
Implant Products Liability Litigation

MDL No. 13-2441 (DWF/FLN)

This Document Relates to All Actions.

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

1. Plaintiff, [NAME], states and brings this civil action in MDL No. 2441, entitled *In Re: Stryker Rejuvenate and ABG II Hip Implant Products Liability Litigation*. Plaintiff(s) is/are filing this Short Form Complaint as permitted by Pretrial Order #10 dated _____, 2014 of this Court.

PARTIES, JURISDICTION AND VENUE

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

3. Plaintiff's Spouse, _____, is a resident and citizen of the State of _____, and claims damages as set forth below. *[Cross out Spousal Claim if not applicable.]*

4. Plaintiff brings this action *[check the applicable designation]:*

_____ On behalf of himself/herself;

_____ In a representative capacity as the _____ of the _____ having been duly appointed as the _____ by the _____ Court of _____. A copy of the Letters of Administration for a wrongful death claim is annexed hereto if such letters are required for the commencement of

such a claim by the Probate, Surrogate or other appropriate court of the jurisdiction of the decedent. *[Cross out if not applicable.]*

FACTUAL ALLEGATIONS

Allegations as to **Right-Side** Implant/Explant Surgery(ies): *[Cross out if not applicable]*

5. Plaintiff was implanted with a Rejuvenate / ABG II (*cross out the one that is inapplicable*) Modular hip stem on his/her right hip on or about _____ (date), at the _____ (medical center and address), in _____, by Dr. _____. *[Cross out if not applicable.]*

6. Plaintiff had the right hip stem at issue explanted on _____, at _____ (medical center and address) by Dr. _____. *[Cross out if not applicable.]*

7. Plaintiff will have the right hip stem at issue explanted on or about _____, at _____ (medical center and address) by Dr. _____. *[Cross out if not applicable.]*

8. Plaintiff has not yet scheduled a surgery for explantation of the right hip stem at issue. *[Cross out if not applicable.]*

Allegations as to **Left-Side** Implant/Explant Surgery(ies): *[Cross out if not applicable]*

9. Plaintiff was implanted with a Rejuvenate / ABG II (*cross out the one that is inapplicable*) Modular hip stem on his/her left hip on or about _____ (date), at the _____ (medical center and address), in _____, by Dr. _____. *[Cross out if not applicable.]*

10. Plaintiff had the left hip stem at issue explanted on _____, at _____ (medical center and address) by Dr. _____. *[Cross out if not applicable.]*

11. Plaintiff will have the left hip stem at issue explanted on or about _____,

at _____ (medical center and address) by Dr. _____.

[Cross out if not applicable.]

12. Plaintiff has not yet scheduled a surgery for explantation of the left hip implant at issue. *[Cross out if not applicable.]*

ALLEGATIONS AS TO INJURIES

13. (a) Plaintiff claims damages as a result of (check all that are applicable):

- _____ INJURY TO HERSELF/HIMSELF
- _____ INJURY TO THE PERSON REPRESENTED
- _____ WRONGFUL DEATH
- _____ SURVIVORSHIP ACTION
- _____ ECONOMIC LOSS

(b) Plaintiff's spouse claims damages as a result of (check all that are applicable): *[Cross out if not applicable.]*

- _____ LOSS OF SERVICES
- _____ LOSS OF CONSORTIUM

14. Plaintiff has suffered injuries as a result of implantation of the Device(s) at issue manufactured by the Defendants as shall be fully set forth in Plaintiff's anticipated Amended Complaint, as well as in Plaintiff's Fact Sheet and other responsive documents provided to the Defendant and are incorporated by reference herein.

15. Plaintiff has suffered injuries as a result of the explantation of the Device(s) at issue manufactured by the Defendants as shall be fully set forth in Plaintiff's anticipated Amended Complaint, as well as in Plaintiff's Fact Sheet and other responsive documents provided to the Defendant and are incorporated by reference herein. *[Cross out if not*

applicable.]

16. Defendants, by their actions or inactions, proximately caused the injuries to Plaintiff(s).

17. Plaintiff(s) could not have known that the injuries he/she suffered were as a result of a defect in the Device(s) at issue until after the date the Device was recalled from the market and the Plaintiff(s) came to learn of the recall.

18. In addition, Plaintiff could not have known that he/she was injured by excessive levels of chromium and cobalt until after the date he/she had his/her blood drawn and he/she was advised of the results of said blood-work and the fact that those blood work abnormalities were attributable to a defect in the Device(s) at issue.

CASE-SPECIFIC ALLEGATIONS AND THEORIES OF RECOVERY

19. The following claims and allegations are asserted by Plaintiff(s) and are herein adopted by reference (check all that are applicable):

- _____ COUNT I - NEGLIGENCE;
- _____ COUNT II - NEGLIGENCE PER SE;
- _____ COUNT III - STRICT PRODUCTS LIABILITY - DEFECTIVE DESIGN;
- _____ COUNT IV - STRICT PRODUCTS LIABILITY – MANUFACTURING DEFECT;
- _____ COUNT V - STRICT PRODUCTS LIABILITY- FAILURE TO WARN;
- _____ COUNT VI - BREACH OF EXPRESS WARRANTY;
- _____ COUNT VII- BREACH OF WARRANTY AS TO

MERCHANTABILITY;

_____ COUNT VIII - BREACH OF IMPLIED WARRANTIES;

_____ COUNT IX - VIOLATION OF MINNESOTA DECEPTIVE ACTS AND PRACTICES, UNFAIR TRADE PRACTICES, CONSUMER PROTECTION, MERCHANDISING PRACTICES AND FALSE ADVERTISING ACTS

_____ COUNT X – VIOLATION OF CONSUMER FRAUD AND/OR UNFAIR AND DECEPTIVE TRADE PRACTICES UNDER STATE LAW;

_____ COUNT XI - NEGLIGENT MISREPRESENTATION

_____ COUNT XII - LOSS OF CONSORTIUM

_____ COUNT XIII – UNJUST ENRICHMENT

_____ COUNT XIV – WRONGFUL DEATH

In addition to the above, Plaintiff(s) assert the following additional causes of action under applicable state law:

PRAYER FOR RELIEF

WHEREFORE, Plaintiff(s) pray for judgment against Defendants as follows:

1. For compensatory damages requested and according to proof;
2. For all applicable statutory damages of the state whose laws will govern this action;
3. For an award of attorneys' fees and costs;
4. For prejudgment interest and costs of suit;

5. For restitution and disgorgement of profits; and,
5. For such other and further relief as this Court may deem just and proper.

JURY DEMAND

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

Date: _____

Respectfully submitted,

BY:

[INSERT SIGNATURE BLOCK FOR
PLAINTIFFS' COUNSEL]