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

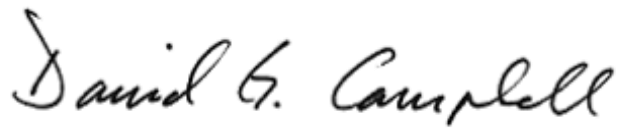
IN RE: Bard Implanted Port Catheter  
Products Liability Litigation

MDL No. 3081-PHX-DGC

**ORDER RE: REVISED MASTER  
SHORT-FORM COMPLAINT**

On November 30, 2023, the Court approved Plaintiffs’ proposed Short-Form Complaint. Doc. 121. In March 2024, Plaintiffs filed an Amended Master Complaint that adds the port reservoir claims (Doc. 494) and Defendants filed an Amended Master Answer (Doc. 517-1). The parties agreed to revise Amended CMO 7 (Doc. 145) to reflect the updated docket numbers for the amended pleadings, and to revise the Short-Form Complaint (Doc. 121-1) with the updated docket number for the Amended Master Complaint (Doc. 494) and the new docket number for Second Amended CMO 7 (Doc. 526).

Dated this 4th day of April, 2024.



David G. Campbell  
Senior United States District Judge

1 Attorney First Last  
 (AZ # \_\_\_\_\_/Admitted Pro Hac Vice)  
 2 Firm Name  
 3 Address  
 City, State Zip  
 4 Phone:  
 Fax:  
 5 Email:

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

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 10 IN RE: Bard Implanted Port Catheter  
 Products Liability Litigation

MDL No. 3081

11 THIS DOCUMENT RELATES TO:

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

12 \_\_\_\_\_,

13  
 14 Plaintiff(s),

15 v.

16 Becton Dickinson and Company, et al.,

17 Defendants.  
 18  
 19

20 Plaintiff(s) named below, for their Complaint against Defendants named below,  
 21 incorporate(s) by reference the Amended Master Complaint in MDL 3081 (Doc. 494).  
 22 Pursuant to Case Management Order No. 7, as amended (Doc. 526) this Short-Form  
 23 Complaint adopts the allegations, claims, and relief as set forth in the Amended Master  
 24 Complaint. As set forth below, Plaintiff(s) may include (a) additional claims and  
 25 allegations against Defendants, as set forth in Paragraph 15 or an additional sheet attached  
 26 hereto; and/or (b) additional claims and allegations against other Defendants, as set forth  
 27 in Paragraph 5 or an additional sheet attached hereto. Plaintiff(s) further allege(s) as  
 28 follows:

1 **I. PLAINTIFF(S)**

2 1. Name of Plaintiff/Decedent implanted with Bard Implanted Port Catheter  
3 Product (“Device”) (first, middle, and last name):

4 \_\_\_\_\_

5 2. Name of Plaintiff/Decedent’s spouse (if bringing a loss-of-consortium claim):

6 \_\_\_\_\_

7 3. Other Plaintiff and capacity (*i.e.*, administrator, executor, guardian, conservator,  
8 representative, survivor, etc.), if any:

9 \_\_\_\_\_

10 **II. DEFENDANT(S)**

11 4. Plaintiff(s) name(s) the following Defendant(s) in this action:

12  Becton, Dickinson and Company

13  C.R. Bard, Inc.

14  Bard Access Systems, Inc.

15  Bard Peripheral Vascular, Inc.

16 5. Plaintiff(s) contend(s) that additional parties may be liable or responsible for  
17 Plaintiff(s)’ damages alleged herein. Such additional parties and their  
18 citizenship are as follows:

19 \_\_\_\_\_

20 \_\_\_\_\_

21 \_\_\_\_\_

22 **III. JURISDICTION AND VENUE**

23 6. City and State of domicile of each Plaintiff at time of filing Plaintiff(s)’ initial  
24 Complaint:

25 \_\_\_\_\_

26 7. City and State of residence of Plaintiff/Decedent at the time of Device  
27 placement:

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8. City and State of residence of Plaintiff/Decedent at the time of alleged injury for which a claim is asserted:

\_\_\_\_\_

9. Basis for jurisdiction:

Diversity of citizenship (28 U.S.C. § 1332(a))

Other: \_\_\_\_\_

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

\_\_\_\_\_

\_\_\_\_\_

10. Designated forum (United States District Court and Division, if applicable) in which Plaintiff asserts personal jurisdiction and venue would be proper absent direct filing in this MDL:

\_\_\_\_\_

**IV. PRODUCT USE AND INJURY**

11. Plaintiff/Decedent was implanted with the following Device(s) and alleges that the Device(s) caused their injuries<sup>1</sup>:

- BardPort M.R.I. Implantable Port
- BardPort M.R.I. Low-Profile Implantable Port
- BardPort Titanium Dome Implantable Port
- BardPort Titanium Implantable Port
- M.R.I. Plastic Dual Lumen Port
- M.R.I. Ultra SlimPort Implantable Port
- Peritoneal Titanium Port
- PowerFlow Implantable Apheresis IV Port
- PowerPort ClearVUE isp Implantable Port

<sup>1</sup> Check all that apply. See Exhibit A for additional information regarding the corresponding model numbers/product codes for these Devices.

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- PowerPort ClearVUE Slim Implantable Port
- PowerPort duo M.R.I. Implantable Port
- PowerPort Implantable Port
- PowerPort isp Implantable Port
- PowerPort isp M.R.I. Implantable Port
- PowerPort M.R.I. Implantable Port
- PowerPort Slim Implantable Port
- PowerPort VUE M.R.I. Implantable Port
- PowerPort VUE Titanium Implantable Port
- SlimPort Dual-Lumen Rosenblatt Implantable Port
- Titanium Low-Profile Port
- Titanium SlimPort Implantable Port
- Vaccess CT Low-Profile Titanium Power-Injectable Port
- Vaccess CT Power-Injectable Implantable Port
- X-Port isp M.R.I. Implantable Port
- X-Port Low-Profile Titanium Port
- Other: \_\_\_\_\_

12. Date(s) of implantation as to the foregoing Device(s):

\_\_\_\_\_

\_\_\_\_\_

13. Model number(s)/product code(s), if available, for the foregoing Device(s):

\_\_\_\_\_

\_\_\_\_\_

14. Complication(s) alleged to have occurred from use of the foregoing Device(s):

- Catheter fracture
- Infection
- Thrombosis
- Other: \_\_\_\_\_

1 **V. CAUSES OF ACTION**

2 15. Plaintiff(s) adopt(s) in this Short-Form Complaint the following claims and  
3 allegations asserted in the Master Long-Form Complaint:

- 4  Count I: Design Defect – Strict Liability
- 5  Count II: Design Defect – Negligence
- 6  Count III: Failure to Warn/Instruct – Strict Liability
- 7  Count IV: Failure to Warn/Instruct – Negligence
- 8  Count V: Manufacturing Defect – Strict Liability
- 9  Count VI: Manufacturing Defect – Negligence
- 10  Count VII: Breach of Express Warranty
- 11  Count VIII: Breach of Implied Warranty
- 12  Count IX: Negligent Misrepresentation
- 13  Count X: Fraudulent Misrepresentation
- 14  Count XI: Fraudulent Concealment
- 15  Count XII: Consumer Fraud and/or Unfair and Deceptive Trade Practices
- 16  Count XIII: Unjust Enrichment
- 17  Count XIV: Loss of Consortium
- 18  Count XV: Wrongful Death
- 19  Count XVI: Survival
- 20  Count XVII: Successor Liability
- 21  Timeliness and Tolling of Statutes of Limitation and Repose
- 22  Punitive Damages
- 23  Count XVIII: Other \_\_\_\_\_

24 If additional claim(s) against Defendant(s) are alleged in Count XVIII  
25 above, the facts supporting such claim(s) must be pleaded. Plaintiff(s)  
26 assert(s) the following factual allegations:

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16. Jury Trial demanded for all issues so triable?

Yes

No

WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants and all such further relief that this Court deems equitable and just as set forth in the Master Long Form Complaint and Jury Demand and any additional relief to which Plaintiff(s) may be entitled.

Dated: \_\_\_\_\_

Respectfully submitted,

/s/ \_\_\_\_\_

Attorney First Last  
(AZ # \_\_\_\_\_ /Admitted Pro Hac Vice)  
Firm Name  
Address  
City, State Zip  
Phone:  
Fax:  
Email:

**EXHIBIT A**

<b><u>Brand Name</u></b>	<b><u>Model Number/Product Code</u></b>
BardPort M.R.I. Implantable Port	0602610, 0602620, 0602640, 0602650, 0602660, 0602670, 0602680, 0602690, 0602830, 0602833, 0602840, 0602843, 0605400, 0605420, 0607173
BardPort M.R.I. Low-Profile Implantable Port	0603830, 0603840, 0603870, 0603880, 6603880
BardPort Titanium Dome Implantable Port	0602850, 0602860, 0602870
BardPort Titanium Implantable Port	0602230, 0602240, 0602270, 0602290, 0603000, 0602820, 0605300, 0605320, 0607301, 0607302, 0602210, 0602260, 0602280, 0602810
M.R.I. Plastic Dual Lumen Port	0603500, 0605920, 0605930, 0607100, 0607200, 0615460
M.R.I. Ultra SlimPort Implantable Port	0605640, 0655640
Peritoneal Titanium Port	0603000, 0603006
PowerFlow Implantable Apheresis IV Port	A710962
PowerPort ClearVUE isp Implantable Port	1606052, 1606062, 1606362, 1606382, 1608052, 1608062, 1608362, 1608382, 1666362, 1668362, 1676300, 5606362, 5608062, 5608362, 5666362, 5668362, CP00004



1 2 3 4 5 6	PowerPort ClearVUE Slim Implantable Port	1616000, 1616001, 1616070, 1616071, 1616300, 1616380, 1618000, 1618001, 1618070, 1618300, 1618380, 1676301, 1678300, 1678301, 5616000, 5616300, 5618000, 5618300, 5676300, 5676301, 5678300, 5678301, CP00005
7	PowerPort duo M.R.I. Implantable Port	1829500, 1829570, 5829500, 5829502
8 9 10	PowerPort Implantable Port	1708000, 1708001, 1708070, 1708071, 1709600, 1709601, 1759600, 1759601, 1778000, 1778001, 1778070, 1778071
11 12 13 14 15 16	PowerPort isp Implantable Port	1706050, 1706051, 1706060, 1706061, 1708050, 1708051, 1708060, 1708061, 1708160, 1708550, 1708551, 1708560, 1708561, 4708060, 4708061, 4708560, 4708561, CP00001, CP00002, CP00003, CP00009
17 18 19 20 21 22	PowerPort isp M.R.I. Implantable Port	1806050, 1806051, 1806060, 1806061, 1808050, 1808051, 1808060, 1808061, 1808069, 1808360, 1808550, 1808551, 1808560, 1808561, 1809660, 1809661, 1859660, 1859661, 4808060, 4808061, 4808560, 4808561, 9808560
23 24 25 26	PowerPort M.R.I. Implantable Port	1808000, 1808001, 1808002, 1808070, 1808071, 1808300, 1809600, 1809601, 1809670, 1859600, 1859601, 1878000, 1878001, 1878070, 1878071

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1		1716000, 1716001, 1716070, 1716071,
2	PowerPort Slim Implantable Port	1716080, 1718000, 1718001, 1718070,
3		1718500, 1718501, 1718570, 1718571,
4		CP00008
5	PowerPort VUE M.R.I. Implantable Port	1806052, 1806062, 1808052, 1808062
6	PowerPort VUE Titanium Implantable	
7	Port	1706052, 1706062, 1708052, 1708062
8	SlimPort Dual-Lumen Rosenblatt	
9	Implantable Port	0604970, 0624970, 0654970
10		
11	Titanium Low-Profile Port	0602180, 0602190, 0605490, 0605510,
12		0606100, 0606150, 0606200
13	Titanium SlimPort Implantable Port	0605550, 0605560, 0655510
14	Vaccess CT Low-Profile Titanium	
15	Power-Injectable Port	7360000, 7360001, 7380000
16	Vaccess CT Power-Injectable	
17	Implantable Port	7460000, 7480000, 7496000
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19	X-Port isp M.R.I. Implantable Port	0607500, 0607510, 0607520, 0607530,
20		0607540, 0607550, 0607555, 0657500,
21		0657510, 0657520, 0657525, 7707540,
22		7757540
23	X-Port Low-Profile Titanium Port	0655870, 0605840, 0605850