

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: ETHICON PHYSIOMESH	:	MDL DOCKET NO. 2782
FLEXIBLE COMPOSITE	:	CIVIL ACTION NO.
HERNIA MESH PRODUCTS	:	1:17-MD-02782-RWS
LIABILITY LITIGATION	:	
	:	
This document relates to:	:	
	:	
Lynnette Harsh, et al.	:	Civil Action No.: _____
_____	:	
	:	
Plaintiff(s)	:	

SHORT FORM COMPLAINT

Come now the Plaintiff(s) named below, and for their Complaint against the Defendants named below, incorporate the Master Complaint in MDL No. 2782 by reference. Plaintiff(s) further show the court as follows:

1. Plaintiff Implanted with Physiomesh

Lynnette Harsh

2. Plaintiff's Spouse (if applicable)

Patrick Harsh

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator)

N/A

4. State of Residence and Citizenship of each Plaintiff (including any Plaintiff in a representative capacity) at time of filing of Initial Complaint

Ohio

5. State of Residence and Citizenship at the Time of Implantation

Ohio

6. District Court and Division in which personal jurisdiction and venue would be proper absent direct filing.

USDC for the Southern District of Ohio - Western Division at Dayton

7. Defendants (Check Defendants against whom Complaint is made):

A. Ethicon, Inc.

B. Johnson & Johnson

8. Basis of Jurisdiction

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

Other: Direct Filing

- A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

Paragraphs 1-13

B. Other allegations of jurisdiction and venue:

Pursuant to this Court's order, Plaintiff has

authority to directly file into this Court.

9.

Date(s) Plaintiff was Implanted with Physiomesh (list date of each implant surgery, where applicable, on separate line)	Hospital(s) where Plaintiff was implanted with Physiomesh (include City and State of Hospital)	Implanting Surgeon(s)
11/05/2013	Mercy Health - Springfield Regional Medical Center - Springfield, OH	Tedros Andom, MD

10. Counts in the Master Complaint brought by Plaintiff(s):

- Count I – Strict Product Liability – Defective Design
- Count II – Strict Product Liability – Failure to Warn
- Count III – Strict Product Liability – Manufacturing Defect
- Count IV – Negligence
- Count V – Consumer Protection Laws (Please identify applicable State Consumer Protection law(s) and state any additional facts and legal basis for application of State Consumer Protection law(s) in this case)

O.R.C. Section 1345.01 et seq.

- Count VI – Gross Negligence
- Count VII – Loss of Consortium
- Count VIII – Punitive Damages
- Count IX – Discovery Rule, Equitable Tolling/Estoppel (Please state any additional facts and legal basis for Discovery Rule and Tolling below)

Plaintiff was not aware Physiomesh was used in her surgery until medical records were obtained.

Other Count(s) (Please state factual and legal basis for other claims not included in the Master Complaint below):

O.R.C. 2307.76 (Failure to Warn); O.R.C. Section 2307.74 (Defective Manufacturing);

O.R.C. Section 2307.75 (Design Defect); O.R.C. Section 2307.77 (Non-Conformance with

Representations); O.R.C. Section 1302.77 and O.R.C. Section 1302.28 (Statutory Warranties)

Jury Trial is Demanded as to All Counts

Jury Trial is NOT Demanded as to Any Count

s/ Richard W. Schulte

Attorney(s) for Plaintiff

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