

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

IN RE: WRIGHT MEDICAL ) MDL NO. 2329  
TECHNOLOGY, INC., CONSERVE )  
HIP IMPLANT PRODUCTS )  
LIABILITY LITIGATION ) SHORT FORM COMPLAINT  
) (AMENDED FORM)  
This Document Relates To: )  
)  
ALL CASES )

**ABBREVIATED SHORT FORM COMPLAINT  
FOR WRIGHT MEDICAL TECHNOLOGY, INC.,  
CONSERVE HIP IMPLANT PRODUCTS LIABILITY LITIGATION**

1. Plaintiff(s), \_\_\_\_\_, state(s) and bring(s) this civil action before the Court for the United States District Court for the Northern District of Georgia against Defendants Wright Medical Technology, Inc. and/or Wright Medical Group, Inc. as a related action in the matter entitled IN RE: WRIGHT MEDICAL TECHNOLOGY, INC., CONSERVE HIP IMPLANT PRODUCTS LIABILITY LITIGATION, MDL No. 2329. Plaintiff is filing this short form complaint as permitted by Case Management Order No. 1 of this Court.

**PARTIES, JURISDICTION AND VENUE**

2. Venue of this case is appropriate in the United States District Court for the \_\_\_\_\_ District of \_\_\_\_\_ (State). Plaintiff states that

but for the Order permitting direct filing into the Northern District of Georgia pursuant to Case Management Order No. 1, Plaintiff would have filed in the United States District Court for the \_\_\_\_\_ District of \_\_\_\_\_ (State). Therefore, Plaintiff respectfully requests that at the time of transfer of this action back to the trial court for further proceedings that this case be transferred to the above referenced District Court.

3. Plaintiff \_\_\_\_\_ is a resident and citizen of \_\_\_\_\_ and claims damages as set forth below. Plaintiff's Spouse \_\_\_\_\_, is a resident and citizen of \_\_\_\_\_, and claims damages as a result of loss of consortium. *[Cross Out Spousal Claim if Not Applicable]* Plaintiff(s) currently reside(s) in \_\_\_\_\_. *[City, State]*

4. Plaintiff was born in \_\_\_\_\_ *[List year only]*.

5. Plaintiff is filing this case in a representative capacity as the \_\_\_\_\_ of the \_\_\_\_\_ having been duly appointed as the by the Court of \_\_\_\_\_. *[Cross out if Not Applicable]* 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.

Plaintiff claims damages as a result of:

\_\_\_\_\_ injury to herself/himself

\_\_\_\_\_ injury to the person represented

\_\_\_\_\_ wrongful death

\_\_\_\_\_ survivorship action

\_\_\_\_\_ economic loss

\_\_\_\_\_ loss of services

\_\_\_\_\_ loss of consortium

6. Defendant Wright Medical Technology, Inc. is a corporation organized under the laws of the State of Delaware, with its headquarters and principal place of business located in the State of Tennessee. Thus, Defendant Wright Medical Technology, Inc. is a citizen of the State of Tennessee. [*Cross out if not naming Wright Medical Technology, Inc. as a Defendant*]

7. Defendant Wright Medical Group Inc. is a corporation organized under the laws of the State of Delaware, with its headquarters and principal place of business located in the State of Tennessee. Thus, Defendant Wright Medical Group Inc. is a citizen of the State of Tennessee. [*Cross out if not naming Wright Medical Group, Inc. as a Defendant*]

8. Plaintiff is claiming more than \$75,000 in damages, exclusive of interest and costs, and federal jurisdiction is supported by 28 U.S.C. § 1332.

**ALLEGATIONS AS TO INJURIES**

9. Plaintiff was implanted with a Wright Conserve hip implant on his/her \_\_\_\_\_ hip on or about \_\_\_\_\_ (date) at the \_\_\_\_\_ (medical center), in \_\_\_\_\_, \_\_\_\_\_ by Dr. \_\_\_\_\_.

10. Plaintiff was implanted with a Wright Conserve hip implant on his/her \_\_\_\_\_ hip on or about \_\_\_\_\_ (date) at the \_\_\_\_\_ (medical center), in \_\_\_\_\_, \_\_\_\_\_ by Dr. \_\_\_\_\_.

*[Cross out if not bilateral Wright Conserve hips]*

11. On or about \_\_\_\_\_ (date), Plaintiff suffered the following personal and economic injuries as a result of the implantation with the Wright Conserve hip implant: \_\_\_\_\_;  
\_\_\_\_\_  
and \_\_\_\_\_.

12. Plaintiff had the \_\_\_\_\_ Wright Conserve hip implant explanted on \_\_\_\_\_, at

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(medical center and address) by Dr. \_\_\_\_\_ or Plaintiff will be having the Wright Conserve hip explanted on or about \_\_\_\_\_, or Plaintiff has not scheduled an explantation of the Wright Conserve hip implant. *[Cross out inapplicable sections]*

13. Plaintiff had the \_\_\_\_\_ Wright Conserve hip implant explanted on \_\_\_\_\_, at

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(medical center and address) by Dr. \_\_\_\_\_ or Plaintiff will be having the Wright Conserve hip explanted on or about \_\_\_\_\_, or Plaintiff has not scheduled an explantation of the Wright Conserve hip implant. *[Cross out if not bilateral Wright Conserve Hips/ cross out inapplicable sections]*

14. Plaintiff(s) has suffered injuries as a result of implantation and explantation of the Wright Conserve hip implant manufactured by defendants as shall be fully set forth in Plaintiff's Fact Sheet and other responsive documents provided to the defendants and are incorporated by reference herein.

15. At the time of implantation with the Wright Conserve hip implant, the Plaintiff resided in

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*[City and state only]*

16. The defendants by their actions or inactions, proximately caused Plaintiff's injuries.

17. As a result of the injuries Plaintiff(s) sustained, he/she/they is/are entitled to recover compensatory damages for pain and suffering and emotional distress (*if applicable*) and for economic loss as well as punitive damages.

**ALLEGATIONS AS TO DEFENDANTS**  
**SPECIFIC ALLEGATIONS AND THEORIES OF RECOVERY**

18. The following claims and allegations are asserted by Plaintiff(s) and are herein adopted by reference:

(if applicable) STATE PRODUCTS LIABILITY STATUTE:

\_\_\_\_\_  
(individual counts below may be subsumed)

\_\_\_\_ FIRST CAUSE OF ACTION

(NEGLIGENCE, including NEGLIGENCE PER SE (pursuant to the following statute: \_\_\_\_\_) and GROSS NEGLIGENCE/MALICE);

\_\_\_\_ SECOND CAUSE OF ACTION

(STRICT PRODUCTS LIABILITY-DEFECTIVE DESIGN)

\_\_\_\_ THIRD CAUSE OF ACTION

(STRICT PRODUCTS LIABILITY-MANUFACTURING DEFECT);

- \_\_\_\_ FOURTH CAUSE OF ACTION  
(STRICT PRODUCTS LIABILITY-FAILURE TO WARN);
- \_\_\_\_ FIFTH CAUSE OF ACTION  
(BREACH OF EXPRESS WARRANTY);
- \_\_\_\_ SIXTH CAUSE OF ACTION  
(BREACH OF IMPLIED WARRANTIES, including [*identify implied warranties*]: \_\_\_\_\_);
- \_\_\_\_ SEVENTH CAUSE OF ACTION  
(FRAUD, including FRAUDULENT MISREPRESENTATION, FRAUDULENT CONCEALMENT, FRAUD AND DECEIT, MISREPRESENTATION BY OMISSION; CONSTRUCTIVE FRAUD);
- \_\_\_\_ EIGHTH CAUSE OF ACTION  
(UNFAIR AND DECEPTIVE TRADE PRACTICES UNDER STATE LAW) **SPECIFY THE STATUTE ALLEGED:**  
\_\_\_\_\_;
- \_\_\_\_ NINTH CAUSE OF ACTION  
(NEGLIGENT MISREPRESENTATION);
- \_\_\_\_ TENTH CAUSE OF ACTION  
(NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS);
- \_\_\_\_ ELEVENTH CAUSE OF ACTION  
(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)
- \_\_\_\_ TWELFTH CAUSE OF ACTION  
(LOSS OF CONSORTIUM);
- \_\_\_\_ THIRTEENTH CAUSE OF ACTION  
(VIOLATION OF APPLICABLE STATE CONSUMER FRAUD STATUTE) **SPECIFY THE STATUTE ALLEGED:**  
\_\_\_\_\_;

\_\_\_\_ FOURTEENTH CAUSE OF ACTION  
(RESTITUTION OF ALL PURCHASE COSTS AND  
DISGORGEMENT OF ALL PROFITS FROM MONIES THAT  
PLAINTIFF INCURRED IN THE PURCHASE OF THE HIP  
IMPLANT); and

PLAINTIFF(S) ASSERT(S) THE FOLLOWING ADDITIONAL STATE  
CAUSES OF ACTION:

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**PRAYER FOR RELIEF**

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

1. For compensatory damages requested and according to proof,  
including [Check those that are applicable]:  
  
\_\_\_ past, present and future pain and suffering;  
  
\_\_\_ past, present and future medical expenses;  
  
\_\_\_ loss of earnings/ earnings capacity;  
  
\_\_\_ loss of enjoyment of life; and  
  
\_\_\_ loss of consortium;
2. For punitive or exemplary damages;
3. For all applicable statutory damages of the state whose laws will govern this action;
4. For medical monitoring, pursuant to statute/case [identify case/ statute]: \_\_\_\_\_;
5. For an award of attorneys' fees and costs;  
  
(statute \_\_\_\_\_);
6. For prejudgment interest and the costs of suit, where awardable; and
7. For such other and further relief as this Court may deem just and proper.

**JURY DEMAND**

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

Date: \_\_\_\_\_

Respectfully submitted,  
Counsel for Plaintiff(s)

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