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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

WILLIAM REILLY and JILL REILLY, Plaintiffs, vs. SMITH & NEPHEW, INC. and DOES 1 through 100, inclusive, Defendants.	Case No. '12CV2220 IEG MDD *Assigned for all purposes to:* Judge Dept. **COMPLAINT FOR:** **(1) NEGLIGENCE,** **(2) BREACH OF EXPRESS WARRANTY,** **(3) BREACH OF IMPLIED WARRANTIES,** **(4) STRICT PRODUCTS LIABILITY,** **(5) FALSE REPRESENTATION, and** **(6) LOSS OF CONSORTIUM** **JURY TRIAL DEMANDED** Complaint Filed: Trial date: N/A

Plaintiffs WILLIAM REILLY and JILL REILLY ("Plaintiffs"), allege on information and belief against SMITH & NEPHEW, INC. and DOES 1 through 100, inclusive, ("Defendants"), the following:

FIRST CAUSE OF ACTION - NEGLIGENCE

1. Plaintiffs William Reilly and Jill Reilly, who were and are married at all relevant times herein, are citizens of the State of California and reside in Vista, California.

2. The true names and capacities, whether individual, corporate, associate or otherwise, of Defendants SMITH & NEPHEW, INC. ("Smith & Nephew), and DOES 1 through 100, inclusive, are unknown to Plaintiffs, who therefore sue said Defendants by said fictitious names. Plaintiffs are informed and believe, and thereon allege, that each of said Defendants is negligently or otherwise responsible in some manner for the events and happenings herein referred to, and negligently or otherwise caused injuries and damages proximately thereby to the Plaintiffs as herein alleged. Plaintiffs will amend this Complaint and insert the correct names and capacities of those Defendants when they are discovered.

3. Plaintiffs are uncertain as to the true names and status of Smith & Nephew, or whether said Defendants are corporations, general partnerships, limited partnerships, unincorporated associations, or otherwise. Plaintiffs are informed and believe, and thereon allege, that said Defendants are duly licensed to do business, and were and are doing business, under and by virtue of the laws of the State of California, and in the Southern District of California. When the true status of said Defendants is ascertained, Plaintiffs pray leave of this court to amend this complaint accordingly.

4. At all times mentioned, each of the Defendants-including DOES 1 through 100-was the representative, agent, employee, joint venturer, or alter ego of each of the other defendants and in doing the things alleged herein was acting within the scope of its authority as such.

5. Smith & Nephew and DOES 1 through 100, inclusive, are collectively referred to herein as "Defendants."

6. At all times herein mentioned, Defendants, Smith & Nephew, and DOES 1 through 20, inclusive, and each of them, were engaged in the business of manufacturing,

designing, assembling, compounding, testing, inspecting, packaging, labeling, fabricating, constructing, analyzing, distributing, servicing, merchandising, recommending, advertising, promoting, marketing and selling a certain Smith & Nephew Synergy porous high-offset size 15 femoral component, reference number 71306115, lot number 06MM05117 ("femoral component"); a certain Smith & Nephew chrome-cobalt modular head sleeve +0 millimeters, reference number 74222200, lot number 9635 ("head sleeve"); and a certain Smith & Nephew chrome-cobalt Birmingham Hip Resurfacing System 56 millimeter acetabular cup, reference number 74120152, lot number 74429 ("BHR"). The assembled combination of "femoral component," "head sleeve," and "BHR" described in this paragraph will be referred to collectively hereinafter as "the Device."

7. At all times herein mentioned, Defendants, DOES 21 through 30, inclusive, and each of them, were engaged in the business of distributing, supplying and selling the Device and its component parts and constituents to hospitals, physicians and medical suppliers, collectively referred to as "retail outlets," so that same could be resold to the public by said retail outlets.

8. At all times herein mentioned, Defendants Smith & Nephew and DOES 31 through 40, inclusive, and each of them, were engaged in the business of selling the Device to members of the general public through hospitals, doctors and medical suppliers, which were to be used by the general public for the purpose of hip replacements.

9. Defendants Smith & Nephew and DOES 1 through 100, inclusive, and each of them, had a duty to exercise reasonable care in the design, manufacture, testing, marketing and distribution into the stream of commerce of the Device, including a duty to insure that the Device did not pose a significantly increased risk of adverse events.

10. Defendants and each of them failed to exercise reasonable care in the design, manufacture, testing, marketing and distribution into the stream of commerce of the Device. Defendants knew or should have known that the Device could fail early in patients, therefore giving rise to pain and suffering, debilitation, and the need for revision

surgery to replace the device with the attendant risks of complications and death from such further surgery, and therefore was not safe for use by Plaintiff.

11. At all times herein mentioned, Defendants, and each of them, knew, or in the exercise of ordinary and reasonable care should have known, that the said device was a product of such a nature that if it was not properly manufactured, designed, assembled, compounded, tested, inspected, packaged, labeled, fabricated, constructed, analyzed, distributed, serviced, merchandised, recommended, advertised, promoted, marketed and sold, for the use and purpose for which it was intended, it was likely to injure the person or persons by whom it was used.

12. The Defendants, and each of them, so negligently and carelessly manufactured, designed, assembled, compounded, tested or failed to test, inspected or failed to inspect, packaged, labeled, fabricated, constructed, analyzed, distributed, serviced, merchandised, recommended, advertised, promoted, marketed and sold the said device, and its component parts and constituents, so that it was in a dangerous and defective condition, and unsafe for the use and purpose for which it was intended when used as recommended by the Defendants, and each of them.

13. The defective and dangerous character and condition of said Device, and that it was unsafe for the use and purpose for which they were intended when used as recommended by the Defendants, and each of them, was known to the Defendants, and each of them, or in the exercise of ordinary and reasonable care should have been known and discovered by Defendants, and each of them. Furthermore, the dangerous and defective character and condition of the said device was not made known to the Plaintiffs by the Defendants, or each of them.

14. On or about May 24, 2007, Plaintiff William Reilly was operated on by Dr. James Fait at San Diego Medical Center / Kaiser Foundation Hospital, 4647 Zion Avenue, San Diego, CA 92120, and the Device was implanted into his left hip.

15. About October 2011, blood testing indicated there were high levels of cobalt and chromium in Plaintiff William Reilly's bloodstream, caused by the deterioration of

the Device. Such high levels of chromium and cobalt are indicative of metal-on-metal disease, and are potentially carcinogenic and life-threatening.

16. Plaintiff William Reilly's current surgeon, Dr. Adam Rosen of Scripps Clinic, 10666 North Torrey Pines Road, Suite 116, La Jolla, CA 92037, has suggested another surgery to remove the Device should be attempted as soon as possible.

17. As a direct and proximate result of the negligence and carelessness of Defendants, and each of them, Plaintiff will have to undergo surgery to prevent further injury from the Device. Plaintiff has suffered pain and distressing mental anguish as a result, and Plaintiff has also suffered general shock and traumatic neurosis as a result of the said negligence and carelessness of the Defendants, and each of them. Plaintiff has suffered, and for a long period of time to come will continue to suffer, pain and mental anguish as a result of said injuries and as a result of his future surgery to remove the Device.

18. As a result of the aforesaid injuries, Plaintiff has been generally damaged in a sum in excess of the jurisdictional limits of the Superior Court, Limited Jurisdiction.

19. In the treatment of the aforesaid injuries, Plaintiff has incurred, is presently incurring, and will incur liability for the services of physicians, surgeons, nurses, hospital care, medicine, x-rays, and other medical treatment, the true and exact amount thereof being unknown to Plaintiff at this time, and Plaintiff prays leave to amend this Complaint accordingly when the true and exact cost thereof is ascertained by Plaintiff.

20. As a direct and proximate result of the said negligence and carelessness of Defendants, and each of them, Plaintiff has incurred, and will incur, loss of income, wages, profits and commissions, a diminishment of earning potential, and other pecuniary losses, the full nature and extent of which are not yet known to Plaintiff, and leave is requested to amend this Complaint to conform to proof at the time of trial.

21. Plaintiff has lost prejudgment interest pursuant to California Civil Code § 3291, the exact amount of which Plaintiff prays leave to insert herein when finally

ascertained.

22. WHEREFORE, Plaintiff prays judgment against Defendants, and each of them, as hereinafter set forth.

SECOND CAUSE OF ACTION – BREACH OF EXPRESS WARRANTY

23. Plaintiff William Reilly incorporates by reference all prior paragraphs of this Complaint as if fully set forth here and further alleges as follows:

24. At all times herein mentioned, the Defendants expressly warranted to Plaintiff's physicians, by and through statements made by Defendants or their authorized agents or sales representatives, orally and in publications, package inserts and other written materials intended for physicians, medical patients and the general public, that the aforementioned Device were safe, effective, fit and proper for its intended use.

25. In utilizing the aforementioned Device, Plaintiff and his physicians relied on the skill, judgment, representations and foregoing express warranties of Defendants.

26. Said warranties and representations were false in that the aforementioned Device was not safe and was unfit for the uses for which it was intended.

27. As a result of the foregoing breach of express warranties by Defendants, Plaintiff suffered injuries and damages as alleged herein.

28. Plaintiff and his physicians were and are unskilled in the research, design and manufacture of the Device, and they reasonably relied entirely on the skill, judgment and implied warranty of Defendants in using the Device.

29. Within a reasonable time after discovery that said Device was defective and unsafe for its intended use, Plaintiff notified Defendants of the breach of said express warranty in the manner and form prescribed by law.

30. As a proximate result of the breach of the said express warranty, Plaintiff has sustained and will sustain the injuries and damages alleged herein.

31. WHEREFORE, Plaintiff prays judgment against Defendants, and each of them, as hereinafter set forth.

THIRD CAUSE OF ACTION – BREACH OF IMPLIED WARRANTIES

32. Plaintiff William Reilly incorporates by reference all prior paragraphs of this Complaint as if fully set forth here and further alleges as follows:

33. Prior to the time the Device was being used by Plaintiff, the Defendants, and each of them, impliedly warranted to members of the general public, including Plaintiff, that said Device was of merchantable quality and safe for the use for which they were intended by the Defendants, namely, for the purpose of hip replacement, and other related medical interventions.

34. Plaintiff relied on the skill and judgment of Defendants, and each of them, in the selection, purchase and use of the Device.

35. Said Device was not safe for its intended use nor was it of merchantable quality as warranted by Defendants, and each of them, in that it was defectively designed, thereby dangerously exposing the user recipient of the Device to serious injury.

36. After Plaintiff received the injuries complained of herein as a result of said defective condition of said Device, notice was given by Plaintiff to Defendants, in the time and in the manner and in the form prescribed by law, of the breach of said implied warranty.

37. As a proximate result of the breach of the implied warranties of merchantability and fitness, Plaintiff has sustained and will sustain the injuries and damages alleged herein.

38. WHEREFORE, Plaintiff prays judgment against Defendants, and each of them, as hereinafter set forth.

FOURTH CAUSE OF ACTION – STRICT PRODUCTS LIABILITY

39. Plaintiff William Reilly incorporates by reference all prior paragraphs of this Complaint as if fully set forth here and further alleges as follows:

40. Defendants, and each of them, manufactured, designed, assembled, compounded, tested or failed to test, inspected or failed to inspect, packaged, labeled,

fabricated, constructed, analyzed, distributed, serviced, merchandised, recommended, advertised, promoted, marketed and sold the Device and its component parts and constituents, which was intended by the Defendants, and each of them, to be used for the purpose of hip replacement and other related medical necessities.

41. Defendants, and each of them, knew that said Device was to be purchased and used without inspection for defects by Plaintiff and the general public.

42. The Device was unsafe for its intended use by reason of defects in its manufacture, design, testing, components and constituents, so that it would not safely serve its purposes, but would instead expose the users of said product to serious injury because of the failure of Defendants, and each of them, to properly guard and protect the users of the Device from the defective design of said product.

43. Plaintiff was not aware of said defects at any time prior to the injuries caused by said Device.

44. As a proximate result of said defects of said Device, Plaintiff sustained the injuries and damages hereinabove set forth.

45. WHEREFORE, Plaintiff prays judgment against Defendants, and each of them, as hereinafter set forth.

FIFTH CAUSE OF ACTION – FALSE REPRESENTATION UNDER RESTATEMENT OF TORTS, 2ND, § 402-B

46. Plaintiff William Reilly incorporates by reference all prior paragraphs of this Complaint as if fully set forth here and further alleges as follows:

47. At the aforementioned time when Defendants, and each of them, manufactured, designed, assembled, compounded, tested or failed to test, inspected or failed to inspect, packaged, labeled, fabricated, constructed, analyzed, distributed, serviced, merchandised, recommended, advertised, promoted, marketed and sold said Device, and its component parts and constituents, as hereinabove set forth, the Defendants, and each of them, expressly and impliedly represented to members of the general public, including Plaintiff William Reilly, that said Device and its component

parts and constituents, was of merchantable quality and safe for the use for which it was intended.

48. Plaintiff relied upon said representations of Defendants, and each of them, in the selection, purchase and use of said Device.

49. Said representations by Defendants, and each of them, were false and untrue, in that said Device was not safe for its intended use, nor was it of merchantable quality as represented by Defendants, and each of them, in that it had very dangerous properties and defects that caused injury and damage to the users of said product, including Plaintiff, thereby threatening the health and life of Plaintiff.

50. As a proximate result of said false representations by Defendants, and each of them, Plaintiff sustained the injuries and damages hereinabove set forth.

51. WHEREFORE, Plaintiff Jill Reilly prays judgment against Defendants, and each of them, as hereinafter set forth.

SIXTH CAUSE OF ACTION – LOSS OF CONSORTIUM

52. Plaintiff Jill Reilly incorporates by reference all prior paragraphs of this Complaint as if set forth here and further alleges as follows:

53. As a direct and proximate result of the failure of the defective Device and Defendants' wrongful conduct, Jill Reilly, Plaintiff William Reilly's husband, has been and will continue to be deprived of the consortium, society, comfort, protection, and service of William Reilly, thereby causing and continuing to cause Jill Reilly economic damages, grief, sorrow, mental anguish, emotional distress, and pain and suffering.

54. WHEREFORE, Plaintiff prays judgment against Defendants, and each of them, as hereinafter set forth.

CLAIM FOR PUNITIVE DAMAGES

55. Plaintiff William Reilly incorporates by reference all prior paragraphs of this Complaint as if fully set forth here and further alleges as follows:

56. Defendants, and each of them, manufactured, designed, assembled, compounded, tested or failed to test, inspect or failed to inspect, packaged, labeled,

fabricated, constructed, analyzed, distributed, serviced, merchandised, recommended, advertised, promoted, marketed and sold said Device, and its component parts, a product which said Defendants knew to be dangerous and unsafe for the purpose for which they intended it to be used, namely, for hip replacement. At all times herein mentioned, prior to and at the time the Defendants, and each of them, sold said Device to Plaintiff, and prior to the time that said product was used by Plaintiff, the Defendants, and each of them, knew, as a result of clinical studies, tests, research, complaints of other users and other information, that said Device, and its component parts, was defectively designed and manufactured, that it had extremely dangerous properties and defects, in that it would release chromium and cobalt ions into the user's bloodstream, and that it had other defects which would cause serious injury and damage to users of said product, thereby threatening the life and health of the users; and at all of said times, the Defendants, and each of them, knew that the defects of said Device had caused serious injury and damage to other users of same.

57. At all times herein mentioned, Defendants, and each of them, despite the actual knowledge described hereinabove, intentionally suppressed the aforementioned test results, complaints, and other information to keep such knowledge from the general public, including Plaintiff, and failed to take any steps to warn Plaintiff, or other members of the general public, of the dangers of using said Device.

58. At all times herein mentioned, Defendants, and each of them, had actual knowledge of the facts hereinabove alleged demonstrating that serious injury to users of said Device, including Plaintiff, would probably result. Defendants, and each of them, nevertheless deliberately failed and refused to recall said device, or to take any other steps whatsoever to prevent such injuries. Defendants, and each of them, misrepresented the safety of said Device, and failed and refused to take any steps to prevent injury from said Device in order to increase the profit of Defendants, and each of them, from the sale of said Device.

59. As a proximate result of the said defects and the acts and conduct of Defendants, and each of them, as hereinabove alleged, Plaintiff sustained the injuries and damages hereinabove set forth. The conduct and acts of Defendants, and each of them, as hereinabove set forth, in allowing such an extremely dangerous product to be used by members of the general public, including Plaintiff, constitute fraud, malice and oppression toward Plaintiff, and a conscious disregard of the safety of Plaintiff. Plaintiff is therefore entitled to exemplary or punitive damages, which would serve to punish and make examples of the Defendants, and each of them, as the court may deem just and proper.

PRAYER FOR RELIEF

THEREFORE, Plaintiffs demand judgment for the following:

1. Past and future medical and incidental expenses, according to proof;
2. Past and future loss of earnings and/or earning capacity, according to proof;
3. Past and future general damages, according to proof;
4. Punitive and exemplary damages in an amount to be determined at trial;
5. Prejudgment and post judgment interest;
6. Attorneys' fees pursuant to Code of Civil Procedure Section 1021.5,
7. Costs to bring this action; and
8. Such other and further relief as the court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a jury trial on all claims so triable in this action.

Dated: September 4, 2012

HODES MILMAN LIEBECK, LLP

By: _____

Jeffrey A. Milman
Jessica L. Vanden Brink
Attorneys for Plaintiffs

JS 44 (Rev. 09/11)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS
WILLIAM REILLY and JILL REILLY

(b) County of Residence of First Listed Plaintiff San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Jeffrey A. Milman, Esq.; Jessica L. Vanden Brink, Esq. 949-640-8222
Hodes Milman Liebeck, LLP
9210 Irvine Center Dr., Irvine, CA 92618

DEFENDANTS
SMITH & NEPHEW, INC., and DOES 1 through 100, inclusive

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

'12CV2220 IEG MDD

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☒ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☒ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☒ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Med. Malpractice

PERSONAL INJURY
- ☒ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Sentence

Habeas Corpus:
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 463 Habeas Corpus - Alien Detainee (Prisoner Petition)
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS - Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district *(specify)* ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
28 U.S.C. 1332

Brief description of cause:
Product liability involving a defective metal on metal hip

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY *(See instructions)*:

JUDGE DOCKET NUMBER

DATE
09/11/2012

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE