

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

In Re: COOK MEDICAL, INC., IVC FILTERS
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

Case No. 1:14-ml-2570-RLY-TAB
MDL No. 2570

[*Plaintiff Name*, Case Number]

AMOUNT IN CONTROVERSY CERTIFICATION FORM

Plaintiff's Name: _____

Plaintiff's Case Number: _____

Plaintiff's Case Categorization: _____

Plaintiff and the undersigned counsel hereby certify as follows:

(1) Plaintiff's counsel reviewed Plaintiff's available medical records, billing records, and any expert reports;

(2) Plaintiff's counsel reviewed Case Management Order No. 32 and the Seventh Circuit Court's opinion in *Sykes v. Cook Inc.*, 72 F.4th 195 (7th Cir. 2023); and

(3) Plaintiff and Plaintiff's counsel discussed this case and the requirement to establish the \$75,000 amount-in-controversy.

Question 1:

Upon review, Plaintiff has a good-faith basis to assert a claim for damages exceeding \$75,000, exclusive of interests and costs: Yes No

Question 2(a): If Yes:

The medical and other evidence relied on to make this certification has been produced to the Cook Defendants or is being produced with this Certification Form: Yes No

Question 2(b): If No:

Has Plaintiff submitted contemporaneously with this Certification a signed Stipulation of Dismissal using the form provided below? Yes No

The undersigned Plaintiff¹ declared under the penalty of perjury that the foregoing is true and correct.

Plaintiff's Name (printed): _____

Plaintiff's Signature: _____

The undersigned counsel declares under the penalty of perjury that the foregoing is true and correct.

Plaintiff's Counsel Name (printed): _____

Plaintiff's Counsel's Firm: _____

Plaintiff's Counsel's Signature: _____

Please select the  or  Fill & Sign buttons on the toolbar to add your signature.

¹ For cases where a spouse has asserted a loss of consortium claim, the signature should be provided by the primary Plaintiff who received the Cook filter.

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This Document Relates to:

[Plaintiff Name] – Case No. [Add]

[FORM] STIPULATION OF DISMISSAL WITHOUT PREJUDICE

Pursuant to Case Management Order No. 32, and upon review of the Seventh Circuit Court’s decision in *Sykes v. Cook Inc.*, 72 F.4th 195 (7th Cir. 2023), Plaintiff[s] in the above-captioned case[s] acknowledges that, based on review of the evidence, the amount in controversy in this matter does not exceed the jurisdictional threshold of \$75,000, exclusive of interest and costs, as required for this Court’s exercise of subject matter jurisdiction. *See* 28 U.S.C. § 1332(a).

Accordingly, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff and the Cook Defendants stipulate to the dismissal of all claims in this action without prejudice for lack of subject-matter jurisdiction. Each party shall bear its own fees and costs.

[Note: Plaintiffs represented by the same law firm may file a single stipulation.]

Dated: _____ 2024

Attorney Name
Firm Name
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