

**IN THE UNITED STATES DISTRICT COURT
FOR THE 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

This Order Relates to All Actions

NOTICE OF AGREEMENT

WHEREAS, the parties to the above-captioned matter in accordance with this Court's Order dated March 17, 2015 (Document 87), enter into agreement regarding the form of the "Short Form Complaint" to be used by all plaintiffs in this action, a copy of which is attached hereto as Exhibit A.

Specifically:

1. This Short Form Complaint adopts the Master Complaint filed with this court on January 30, 2015, (Document 213).
2. All cases filed directly into this jurisdiction shall use the Short Form Complaint attached hereto as Exhibit A.
3. All cases transferred into this jurisdiction shall be amended using the Short Form Complaint attached hereto as Exhibit A.
4. Defendant's Appearance alone shall serve as a general denial of the allegations contained in the Short Form Complaint and confirmation that Defendants adopt the Master Answer and Affirmative Defenses which shall be filed by Defendants on or before April 15, 2015.

AGREED TO BY:

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This Document Relates to Plaintiff(s)

Civil Case # _____

SHORT FORM COMPLAINT

COMES NOW the Plaintiff(s) named below, and for Complaint against the Defendants named below, incorporate The Master Complaint in MDL No. 2570 by reference (Document 213). Plaintiff(s) further show the court as follows:

1. Plaintiff/Deceased Party:

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

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

4. Plaintiff's/Deceased Party's state of residence at the time of implant:

5. Plaintiff's/Deceased Party's state of residence at the time of injury:

6. Plaintiff's/Deceased Party's current state of residence:

7. District Court and Division in which venue would be proper absent direct filing:

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

- Cook Incorporated
- Cook Medical LLC
- William Cook Europe ApS

9. Basis of Jurisdiction:

- Diversity of Citizenship
- Other: _____

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

b. Other allegations of jurisdiction and venue:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim

(Check applicable Inferior Vena Cava Filters):

- Günther Tulip® Vena Cava Filter
 - Cook Celect® Vena Cava Filter
 - Gunther Tulip Mreye
 - Cook Celect Platinum
 - Other:
-

11. Date of Implantation as to each product:

12. Hospital(s) where Plaintiff was implanted (including City and State):

13. Implanting Physician(s):

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

- Count I: Strict Products Liability – Failure to Warn
- Count II: Strict Products Liability – Design Defect
- Count III: Negligence
- Count IV: Negligence Per Se

- Count V: Breach of Express Warranty
- Count VI: Breach of Implied Warranty
- Count VII: Violations of Applicable _____ (insert State)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- Count VIII: Loss of Consortium
- Count IX: Wrongful Death
- Count X: Survival
- Count XI: Punitive Damages
- Other: _____ (please state the facts supporting this Count in the space, immediately below)
- Other: _____ (please state the facts supporting this Count in the space, immediately below)

15. Attorney for Plaintiff(s):

16. Address and bar information for Attorney for Plaintiff(s):

Respectfully submitted,

COHEN & MALAD, LLP

/s/ Irwin B. Levin

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Lead Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2015, a copy of the foregoing was served electronically and notice of the service of this document will be sent to all parties by operation of the Court's electronic filing system to CM/ECF participants registered to receive service in this matter. Parties may access this filing through the Court's system. A copy of the foregoing was also served via U.S. Mail to the following non-CM/ECF participants:

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