

Second Amended Case Categorization Form

- A. Plaintiff's Name: _____
- B. Plaintiff's Case Number: _____
- C. Plaintiff's Counsel (Lead Firm Name): _____
- D. Categorization:

Instructions: Check each category that applies, briefly describe the claimed injury/complication/outcome in the blank spaces where applicable, and provide specific medical record(s), imaging, and/or expert report in support of each claimed categorization simultaneously with the submission of this form.

1. Successful First Removal Without Complication or Physical Injury Cases: "Cases where Plaintiffs' profile sheet and further follow-up shows that the Gunter Tulip or Celect IVC filter was successfully removed on the first, routine, percutaneous retrieval attempt and no physical symptom or filter complication was alleged during the time the filter was in place or in connection with the retrieval process."

Check this box for Category 1

2. Cases Alleging Mental Distress and Embedment: "Cases where only non-physical injuries, such as worry, stress, or fear of future injury, have been alleged."

Check this box for Category 2

Briefly describe claimed complication/outcome/injury:

3. Stenosis of the IVC and Anticoagulation Cases: "(a) Cases where the plaintiff has alleged scarring or stenosis of the IVC caused by the Cook filter; and (b) Cases where the plaintiff has alleged a need for [anti]coagulation on a permanent or long term basis because of an unretrieved or irretrievable filter."

Check this box for Category 3(a)

Check this box for Category 3(b)

Briefly describe claimed complication/outcome/injury:

4. Embedded and High Risk Cases: “Cases where the Plaintiff has been advised that the Cook IVC filter is embedded, cannot be retrieved, or that the risk of retrieval outweighs the benefits of retrieval.”

Check this box for Category 4

Briefly describe claimed complication/outcome/injury:

5. Failed Retrieval and Complicated Retrieval Cases¹: “(a) Cases where the plaintiff has undergone one or more failed retrieval procedures; and (b) Cases where Plaintiff’s Filter was retrieved but required the use of a non-routine, complicated retrieval method.”

Plaintiffs who have not undergone any filter removal attempt but are asserting an irretrievability-based claim cannot select this category but may select Category 4 above.

Check this box for Category 5(a)

Check this box for Category 5(b)

Briefly describe claimed complication/outcome/injury:

6. Non-Symptomatic Injury Cases: “Cases where the Plaintiff alleges non-symptomatic filter movement, migration, penetration, perforation, thrombosis, occlusion, or the presence of a clot in the filter that has not produced physical symptoms or complications.”

Check this box for Category 6(a) – non-symptomatic filter movement or migration

Check this box for Category 6(b) – non-symptomatic penetration or perforation

Check this box for Category 6(c) – other non-symptomatic conditions

Briefly describe claimed complication/outcome/injury:

7. Symptomatic Injury Cases: “Cases where the Plaintiff alleges medical symptoms, conditions, or complications caused by one or more of the following conditions”

Check this box for Category 7

¹ Plaintiffs that have undergone open removal surgery shall categorize as Category 7(k).

Check all sub-categories that apply below:

- (a) IVC thrombotic occlusion – consisting of an occluding thrombus in the IVC after filter insertion (documented by imaging, medical record, or expert report);

Check this box for Category 7(a)

Briefly describe claim of symptomatic injury:

- (b) filter embolization – consisting of post-deployment movement of the filter to a distant anatomic site;

Check this box for Category 7(b)

Briefly describe claim of symptomatic injury:

- (c) filter fracture – consisting of any loss of a filter’s structural integrity documented by imaging or autopsy;

Check this box for Category 7(c)

Briefly describe claim of symptomatic injury:

- (d) filter migration – consisting of a change in filter position of more than 2 cm (when compared to its deployed position) and as documented by imaging; Briefly describe claim of symptomatic injury:

Check this box for Category 7(d)

Briefly describe claim of symptomatic injury:

- (e) penetration or perforation **(if claiming this category, check only one option below):**

- (1) symptomatic perforation consisting of a filter strut or anchor extending 3 or more mm outside the wall of the IVC as demonstrated on imaging; or

Check this box for Category 7(e)(1)

Briefly describe claim of symptomatic injury:

(2) organ perforation –

Check this box for Category 7(e)(2)

Briefly describe claim of symptomatic injury:

(f) recurrent pulmonary embolism (PE) – consisting of PE that occurs after filter placement is documented by pulmonary arteriography, cross sectional imaging, lung scan, or autopsy;

Check this box for Category 7(f)

Briefly describe claim of symptomatic injury:

(g) DVT or other blood clot caused by filter;

Check this box for Category 7(g)

Briefly describe claim of symptomatic injury:

(h) infection;

Check this box for Category 7(h)

Briefly describe claim of symptomatic injury:

(i) bleeding;

Check this box for Category 7(i)

Briefly describe claim of symptomatic injury:

(j) death; and

Check this box for Category 7(j)

Briefly describe claim of symptomatic injury:

(k) open-removal and/or open heart surgery- any case where a plaintiff has had an open surgical procedure, including open heart surgery, to remove his or her IVC filter.

Check this box for Category 7(k)

Briefly describe claim of symptomatic injury:

E. CMO-30 Compliance for Perforation Cases:

Plaintiffs who categorized as Category 7(e) shall also review the medical evidence submitted with his/her Case Categorization Form and confirm he/she has provided imaging and/or a medical record or expert report supporting (a) IVC filter protrusion “3 or more mm outside the wall of the IVC as demonstrated by imaging,” and (b) that the documented protrusion has caused a present physical impairment or physical harm.

Has Plaintiff submitted evidence of a perforation “3 or more mm outside the wall of the IVC as demonstrated by imaging”?

Yes No

Has Plaintiff submitted evidence that the documented perforation has caused a physical impairment or physical harm?

Yes No

If No: Plaintiff must supplement his or her Case Categorization Form to include this evidence and/or submit specific medical record evidence with this Form.

F. Certification:

The undersigned counsel affirms that the categorization is based on a review of the available medical records including imaging records and reports. The submission of the specific medical record(s) attached, and submission of this form, are counsel’s certification that the outcome, complication, or injury represented in Section D is the proper categorization for Plaintiff’s case to the best of counsel’s knowledge and belief.

If no specific medical record(s) accompany the submission of this form, counsel certifies that specific medical records supporting case categorization were previously produced on [Date/Time] and are identified by [bates label, provider name, page number, etc.].

Plaintiff's Counsel Name (printed): _____

Plaintiff's Counsel's Firm: _____

Plaintiff's Counsel's Signature: _____