

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:)	
)	
Robyn Christiansen and Gene)	
Christiansen)	JURY TRIAL DEMANDED

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

1. Plaintiffs, ROBYN CHRISTIANSEN and GENE CHRISTIANSEN, state and bring 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. Plaintiffs are 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 Utah. Plaintiffs state that but for the Order permitting direct filing into the Northern District of Georgia pursuant to Case Management Order No. 1, Plaintiffs would have filed in the United States District Court for the District of Utah. Therefore, Plaintiffs respectfully request 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 Robyn Christiansen is a resident and citizen of Sandy, Salt Lake County, Utah and claims damages as set forth below. Plaintiff's spouse, Gene Christiansen, is a resident and citizen of Sandy, Salt Lake County, Utah and claims damages as a result of loss of consortium.

4. Plaintiff Robyn Christiansen was born in 1942.

5. Plaintiffs claim 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.

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.

8. Plaintiffs are 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 Robyn Christiansen was implanted with a Wright Conserve Hip Implant on her right hip on or around April 24, 2006 at The Orthopedic Specialty Hospital in Murray, Utah by Dr. G. Lynn Rasmussen, M.D.

10. Plaintiff is not, at this time, aware of the precise timing of her injury, given the latent nature of the defect present in the hip implant manufactured by Defendants, but states that said personal and economic injury is ongoing and continuing in nature.

11. Plaintiff Robyn Christiansen had the right Wright Conserve Hip Implant explanted on or around October 29, 2012, at The Orthopedic Specialty Hospital, 5848 South Fashion Boulevard, Murray, Utah 84107 by Dr. G. Lynn Rasmussen, M.D.

12. Plaintiffs have suffered and continue to suffer 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.

13. At the time of implantation with the Wright Conserve Hip Implant, Plaintiffs resided in Sandy, Salt Lake County, Utah.

14. The Defendants by their actions or inactions, proximately caused Plaintiffs' injuries.

15. As a result of the injuries Plaintiffs sustained, they are entitled to recover compensatory damages for pain and suffering, loss of consortium, emotional distress and for economic loss as well as punitive damages.

ALLEGATIONS AS TO DEFENDANTS
SPECIFIC ALLEGATIONS AND THEORIES OF RECOVERY

16. The following claims and allegations are asserted by Plaintiffs and are herein adopted by reference:

Products Liability Statute: Utah Code Ann. § 78-15-1 et seq.

- X FIRST CAUSE OF ACTION
(NEGLIGENCE, including NEGLIGENCE PER SE (pursuant to the following statute: 21 U.S.C. §§331(a) and 333(a)(d)) and GROSS NEGLIGENCE/ MALICE))
- X SECOND CAUSE OF ACTION
(STRICT PRODUCTS LIABILITY-DEFECTIVE DESIGN)
- X THIRD CAUSE OF ACTION
(STRICT PRODUCTS LIABILITY-MANUFACTURING DEFECT)
- X FOURTH CAUSE OF ACTION
(STRICT PRODUCTS LIABILITY-FAILURE TO WARN)
- X FIFTH CAUSE OF ACTION
(BREACH OF EXPRESS WARRANTY)
- X SIXTH CAUSE OF ACTION
(BREACH OF IMPLIED WARRANTIES, including *breach of the implied warranty of merchantability; breach of the implied warranty of fitness for a particular purpose*)
- X SEVENTH CAUSE OF ACTION
(FRAUD, including FRAUDULENT MISREPRESENTATION, FRAUDULENT CONCEALMENT, FRAUD AND DECEIT, MISREPRESENTATION BY OMISSION; CONSTRUCTIVE FRAUD)
- X EIGHTH CAUSE OF ACTION
(UNFAIR AND DECEPTIVE TRADE PRACTICES under *Truth In Advertising Utah Code Ann. §13-11a-1 et seq.*; *Utah Consumer Sales Practices Act Utah Code Ann. § 13-11-1 et seq.*)
- X NINTH CAUSE OF ACTION
(NEGLIGENT MISREPRESENTATION)

X TENTH CAUSE OF ACTION
(NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS)

X ELEVENTH CAUSE OF ACTION
(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)

X TWELFTH CAUSE OF ACTION
(LOSS OF CONSORTIUM)

THIRTEENTH CAUSE OF ACTION
(VIOLATION OF APPLICABLE STATE CONSUMER FRAUD
STATUTE)

X 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)

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:

1. For compensatory damages requested and according to proof,
including:
 - X past, present and future pain and suffering;
 - X past, present and future medical expenses;
 - X loss of earnings/ earnings capacity;
 - X loss of enjoyment of life; and
 - X 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;
5. For an award of attorneys' fees and costs (*Utah Code Ann. § 13-11-17.5*);
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

Plaintiffs hereby demand a trial by jury as to all claims in this action.

Dated: January 29, 2013

Respectfully submitted,

/s/ Michael L. McGlamry

Michael L. McGlamry

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **ABBREVIATED SHORT FORM COMPLAINT FOR WRIGHT MEDICAL TECHNOLOGY, INC., CONSERVE HIP IMPLANT PRODUCTS LIABILITY LITIGATION** has been electronically served on Defendants by the CM/ECF system of this Court.

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This 29th day of January, 2013.

/s/ Michael L. McGlamry
Michael L. McGlamry
GA Bar No. 492515