

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

DEC 29 2009

JAMES N. HATTEN, Clerk
By: *[Signature]*
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

LINDA RIZZO and RONALD RIZZO,)
)
Plaintiffs,)
)
v.)
)
C. R. BARD, INC.,)
)
Defendant.)
_____)

CIVIL ACTION FILE

NO. 1 09-cv 3645

BBM

COMPLAINT

COME NOW Linda Rizzo and Ronald Rizzo as Plaintiffs herein and hereby file this Complaint, showing the Court as follows:

PARTIES, JURISDICTION AND VENUE

1.

Plaintiffs are residents of the State of Wisconsin.

2.

Defendant C. R. Bard, Inc. ("Defendant") is a New Jersey corporation with its principal place of business in New Jersey. All acts and omissions of Defendant as described herein were done by its agents, servants, employees and/or owners, acting in the course and scope of their respective agencies, services, employments and/or ownership.

3.

Plaintiffs are seeking damages in excess of \$75,000.00.

Subject matter jurisdiction is proper pursuant to 28 U.S.C. § 1332.

4.

Bard Urological, the division of Defendant C. R. Bard, Inc. that designed, manufactured, marketed, packaged, labeled and sold the product at issue in this lawsuit, is located in the Northern District of Georgia in Covington, Georgia.

5.

Defendant has significant contacts with the Northern District of Georgia such that it is subject to personal jurisdiction within said district.

6.

A substantial part of the events and omissions giving rise to Plaintiffs' causes of action occurred in the Northern District of Georgia.

7.

Pursuant to 28 U.S.C. § 1391(a), venue is proper in the Northern District of Georgia.

FACTUAL BACKGROUND

8.

At all times relevant herein, Defendant was engaged in the business of designing, manufacturing, marketing, packaging, labeling, and selling medical devices, including its Avaulta Plus Anterior and Posterior BioSynthetic Support Systems (the

"Products"), specifically placing said Products into the stream of commerce.

9.

Plaintiff Linda Rizzo was implanted with the Products during surgery performed by Dr. Henry Kaminski at Community Memorial Hospital in Menomonee Falls, Wisconsin.

10.

The Products were implanted in Plaintiff Linda Rizzo to treat her pelvic organ prolapse, the use for which Defendant marketed the Products.

11.

As a result of having the Products implanted in her, Plaintiff Linda Rizzo has experienced significant mental and physical pain and suffering, and has sustained permanent injury, and permanent and substantial physical deformity, and has endured impaired physical relations with her husband, Plaintiff Ronald Rizzo.

CAUSES OF ACTION

COUNT I: NEGLIGENCE

12.

Plaintiffs incorporate by reference paragraphs 1-11 of the Complaint as if fully set forth herein.

13.

Defendant had a duty to individuals, including Plaintiff

Linda Rizzo, to use reasonable care in designing, manufacturing, marketing, labeling, packaging and selling the Products.

14.

Defendant was negligent in failing to use reasonable care in designing, manufacturing, marketing, labeling, packaging and selling the Products.

15.

As a direct and proximate result of Defendant's negligence, the Plaintiff Linda Rizzo was caused and/or in the future will be caused to suffer severe personal injuries, pain and suffering, severe emotional distress, financial or economic loss, including but not limited to obligations for medical services and expenses, present and future lost wages, and other damages.

COUNT II: STRICT LIABILITY - DESIGN DEFECT

16.

Plaintiffs incorporate by reference paragraphs 1-11 of the Complaint as if fully set forth herein.

17.

The Products implanted in Plaintiff Linda Rizzo were not reasonably safe for their intended uses and were defective as a matter of law with respect to their design.

18.

As a direct and proximate result of the Products'

aforementioned defects, Plaintiff Linda Rizzo was caused and/or in the future will be caused to suffer severe personal injuries, pain and suffering, severe emotional distress, financial or economic loss, including but not limited to obligations for medical services and expenses, present and future lost wages, and other damages.

19.

Defendant is strictly liable to Plaintiff Linda Rizzo for designing, manufacturing, marketing, labeling, packaging and selling a defective product.

COUNT III: STRICT LIABILITY - MANUFACTURING DEFECT

20.

Plaintiffs incorporate by reference paragraphs 1-11 of the Complaint as if fully set forth herein.

21.

The Products implanted in Plaintiff Linda Rizzo were not reasonably safe for their intended uses and were defective as a matter of law with respect to their manufacture.

22.

As a direct and proximate result of the Products' aforementioned defects, Plaintiff Linda Rizzo was caused and/or in the future will be caused to suffer severe personal injuries, pain and suffering, severe emotional distress, financial or economic loss, including but not limited to obligations for

medical services and expenses, present and future lost wages, and other damages.

23.

Defendant is strictly liable to Plaintiff Linda Rizzo for designing, manufacturing, marketing, labeling, packaging and selling a defective product.

COUNT IV: STRICT LIABILITY - FAILURE TO WARN

24.

Plaintiffs incorporate by reference paragraphs 1-11 of the Complaint as if fully set forth herein.

25.

The Products implanted in Plaintiff Linda Rizzo were not reasonably safe for their intended uses and were defective as a matter of law due to their lack of appropriate and necessary warnings.

26.

As a direct and proximate result of the Products' aforementioned defects, Plaintiff Linda Rizzo was caused and/or in the future will be caused to suffer severe personal injuries, pain and suffering, severe emotional distress, financial or economic loss, including but not limited to obligations for medical services and expenses, present and future lost wages, and other damages.

27.

Defendant is strictly liable to Plaintiff Linda Rizzo for designing, manufacturing, marketing, labeling, packaging and selling a defective product.

COUNT V: BREACH OF EXPRESS WARRANTY

28.

Plaintiffs incorporate by reference paragraphs 1-11 of this Complaint as if fully set forth herein.

29.

Defendant made assurances to the general public, hospitals and health care professionals that the Products were safe and reasonably fit for their intended purposes.

30.

Plaintiff Linda Rizzo and/or her health care provider chose the Products based upon Defendant's warranties and representations regarding the safety and fitness of the Products.

31.

Plaintiff Linda Rizzo individually, and/or by and through her physician, reasonably relied upon Defendant's express warranties and guarantees that the Products were safe, merchantable, and reasonably fit for their intended purposes.

32.

Defendant breached these express warranties because the

Products implanted in Plaintiff Linda Rizzo were unreasonably dangerous and defective and not as Defendant had represented.

33.

Defendant's breach of its express warranties resulted in the implantation of unreasonably dangerous and defective products in Plaintiff Linda Rizzo's body, placing said Plaintiff's health and safety in jeopardy.

34.

As a direct and proximate result of Defendant's breach of the aforementioned express warranties, Plaintiff Linda Rizzo was caused and/or in the future will be caused to suffer severe personal injuries, pain and suffering, severe emotional distress, financial or economic loss, including but not limited to obligations for medical services and expenses, present and future lost wages, and other damages.

COUNT VI: BREACH OF IMPLIED WARRANTY

35.

Plaintiffs incorporate by reference paragraphs 1-11 of this Complaint as if fully set forth herein.

36.

Defendant impliedly warranted that the Products were merchantable and were fit for the ordinary purposes for which they were intended.

37.

When the Products were implanted in Plaintiff Linda Rizzo to treat her pelvic organ prolapse, the Products were being used for the ordinary purposes for which they were intended.

38.

Plaintiff Linda Rizzo, individually and/or by and through her physician, relied upon Defendant's implied warranty of merchantability in consenting to have the Products implanted in her.

39.

Defendant breached these implied warranties of merchantability because the Products implanted in Plaintiff Linda Rizzo were neither merchantable nor suited for their intended uses as warranted.

40.

Defendant's breach of its implied warranties resulted in the implantation of unreasonably dangerous and defective products in Plaintiff Linda Rizzo's body, placing said Plaintiff's health and safety in jeopardy.

41.

As a direct and proximate result of Defendant's breach of the aforementioned implied warranties, Plaintiff Linda Rizzo was caused and/or in the future will be caused to suffer severe personal injuries, pain and suffering, severe emotional

distress, financial or economic loss, including but not limited to obligations for medical services and expenses, present and future lost wages, and other damages.

COUNT VII: LOSS OF CONSORTIUM

42.

Plaintiffs incorporate by reference paragraphs 1-11 of this Complaint as if fully set forth herein.

43.

As a direct and proximate result of the above-described injuries sustained by Plaintiff Linda Rizzo, her husband, Plaintiff Ronald Rizzo has suffered a loss of his wife's consortium, companionship, society, affection, services and support.

COUNT VIII: PUNITIVE DAMAGES

44.

Plaintiffs incorporate by reference paragraphs 1-43 of this Complaint as if fully set forth herein.

45.

Defendant knew or should have known that the Products were defective and presented unreasonable risks of harm to Plaintiff Linda Rizzo.

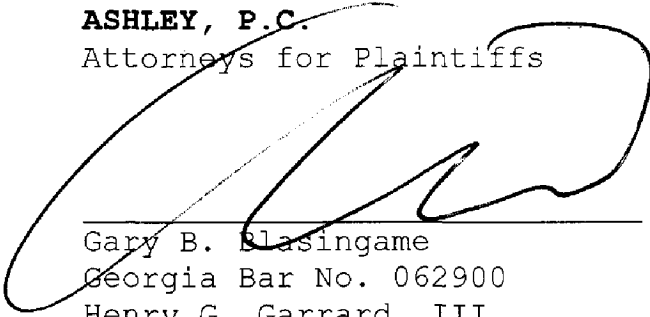
46.

Defendant's conduct as described in this Complaint, for which Plaintiffs are entitled to recover compensatory damages,

manifested a conscious indifference to, and/or flagrant disregard of, the safety of those persons who might foreseeably have been harmed by the Products, including Plaintiff Linda Rizzo, justifying the imposition of punitive damages.

WHEREFORE, Plaintiffs demand trial by jury, judgment against Defendant for compensatory and punitive damages in an amount exceeding \$75,000, as well as costs, attorney fees, interest, or any other relief, monetary or equitable, to which they are entitled.

**BLASINGAME, BURCH, GARRARD &
ASHLEY, P.C.**
Attorneys for Plaintiffs

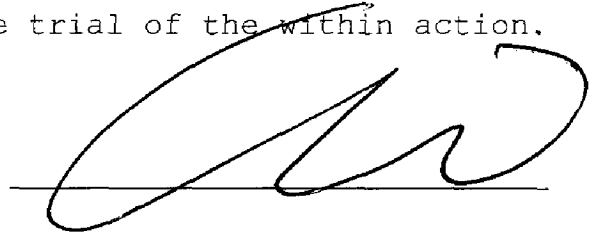


Gary B. Blasingame
Georgia Bar No. 062900
Henry G. Garrard, III
Georgia Bar No. 286300
Andrew J. Hill, III
Georgia Bar No. 353300
Josh B. Wages
Georgia Bar No. 730098
Adam B. Land
Georgia Bar No. 075641

440 College Avenue
P.O. Box 832
Athens, Georgia 30603
706-354-4000

JURY TRIAL DEMAND

Pursuant to the Federal Rules of Civil Procedure,
Plaintiffs hereby demand a trial by jury of all issues triable
of right by jury at the time of the trial of the within action.

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by a cursive name, is written over a horizontal line.

Local Form 440 (12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

NORTHERN District of GEORGIA

LINDA RIZZO and RONALD RIZZO

Plaintiff

v.

C. R. BARD, INC.

Defendant

Civil Action No.

1 09 - CV - 3645

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

C. R. BARD, INC.
c/o CORPORATION PROCESS COMPANY (REGISTERED AGENT)
328 ALEXANDER STREET, STE. 10
MARIETTA, GA 30060

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

HENRY G. GARRARD, III
BLASINGAME, BURCH, GARRARD & ASHLEY, P.C.
440 COLLEGE AVE.
P.O. BOX 832
ATHENS, GA 30603

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

JAMES N. HATTEN
CLERK OF COURT

Date: 29 DEC 2009

Handwritten signature of James N. Hatten
Signature of Clerk or Deputy Clerk

Local Form 440 (12/09) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section must be filed with the court unless exempted by Fed. R. Civ. P. 4 (l).)

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify):* _____
_____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

JS44 (Rev. 1/08 NDGA)

CIVIL COVER SHEET

The JS44 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 is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

<p>I. (a) PLAINTIFF(S) LINDA RIZZO and RONALD RIZZO</p> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>WAUKESHA</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p>	<p>DEFENDANT(S) C. R. BARD, INC.</p> <p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</p>
<p>(c) ATTORNEYS (FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS) Gary B. Blasingame, Henry G. Garrard, III, Andrew J. Hill, III Josh B. Wages, Adam B. Land BLASINGAME, BURCH, GARRARD & ASHLEY, P.C. 440 College Ave./P.O. Box 832 Athens, GA 30603 706-354-4000</p>	<p>ATTORNEYS (IF KNOWN) Richard North Nelson Mullins Riley & Scarborough 201 17th St. NW, Ste. 1700 Atlanta, Georgia 30363 404-322-6155</p>

BBM

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)

PLF	DEF		PLF	DEF	
<input type="checkbox"/> 1	<input type="checkbox"/> 1	CITIZEN OF THIS STATE	<input type="checkbox"/> 4	<input type="checkbox"/> 4	INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE
<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5	INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE
<input type="checkbox"/> 3	<input type="checkbox"/> 3	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	<input type="checkbox"/> 6	<input type="checkbox"/> 6	FOREIGN NATION

IV. 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 District) 6 MULTIDISTRICT LITIGATION 7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT

V. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE - DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. 1332
Personal injuries due to defective product.

(IF COMPLEX, CHECK REASON BELOW)

<input type="checkbox"/> 1. Unusually large number of parties.	<input type="checkbox"/> 6. Problems locating or preserving evidence
<input type="checkbox"/> 2. Unusually large number of claims or defenses.	<input type="checkbox"/> 7. Pending parallel investigations or actions by government.
<input type="checkbox"/> 3. Factual issues are exceptionally complex	<input type="checkbox"/> 8. Multiple use of experts.
<input type="checkbox"/> 4. Greater than normal volume of evidence.	<input type="checkbox"/> 9. Need for discovery outside United States boundaries.
<input type="checkbox"/> 5. Extended discovery period is needed.	<input type="checkbox"/> 10. Existence of highly technical issues and proof.

referred

CONTINUED ON REVERSE

FOR OFFICE USE ONLY

RECEIPT # _____	AMOUNT \$ _____	APPLYING IFP _____	MAG. JUDGE (IFP) _____
JUDGE _____	MAG. JUDGE _____ (Referral)	NATURE OF SUIT _____	CAUSE OF ACTION _____

BBM

365

28:1332 P1

VI. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT - "0" MONTHS DISCOVERY TRACK

- 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
152 RECOVERY OF DEFAULTED STUDENT LOANS (Excl. Veterans)
153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS

CONTRACT - "4" MONTHS DISCOVERY TRACK

- 110 INSURANCE
120 MARINE
130 MILLER ACT
140 NEGOTIABLE INSTRUMENT
151 MEDICARE ACT
160 STOCKHOLDERS' SUITS
190 OTHER CONTRACT
195 CONTRACT PRODUCT LIABILITY
196 FRANCHISE

REAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 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 - "4" MONTHS DISCOVERY TRACK

- 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 - MEDICAL MALPRACTICE
365 PERSONAL INJURY - PRODUCT LIABILITY
368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 370 OTHER FRAUD
371 TRUTH IN LENDING
380 OTHER PERSONAL PROPERTY DAMAGE
385 PROPERTY DAMAGE PRODUCT LIABILITY

BANKRUPTCY - "0" MONTHS DISCOVERY TRACK

- 422 APPEAL 28 USC 158
423 WITHDRAWAL 28 USC 157

CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK

- 441 VOTING
442 EMPLOYMENT
443 HOUSING/ ACCOMMODATIONS
444 WELFARE
440 OTHER CIVIL RIGHTS
445 AMERICANS with DISABILITIES - Employment
446 AMERICANS with DISABILITIES - Other

IMMIGRATION - "0" MONTHS DISCOVERY TRACK

- 462 NATURALIZATION APPLICATION
463 HABEAS CORPUS- Alien Detainee
465 OTHER IMMIGRATION ACTIONS

PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK

- 510 MOTIONS TO VACATE SENTENCE
530 HABEAS CORPUS
535 HABEAS CORPUS DEATH PENALTY
540 MANDAMUS & OTHER
550 CIVIL RIGHTS - Filed Pro se
555 PRISON CONDITION(S) - Filed Pro se

PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK

- 550 CIVIL RIGHTS - Filed by Counsel
555 PRISON CONDITION(S) - Filed by Counsel

FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK

- 610 AGRICULTURE
620 FOOD & DRUG
625 DRUG RELATED SEIZURE OF PROPERTY
21 USC 881
630 LIQUOR LAWS
640 R.R. & TRUCK
650 AIRLINE REGS.
660 OCCUPATIONAL SAFETY / HEALTH
690 OTHER

LABOR - "4" MONTHS DISCOVERY TRACK

- 710 FAIR LABOR STANDARDS ACT
720 LABOR/MGMT. RELATIONS
730 LABOR/MGMT. REPORTING & DISCLOSURE ACT
740 RAILWAY LABOR ACT
790 OTHER LABOR LITIGATION
791 EMPL. RET. INC. SECURITY ACT

PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK

- 820 COPYRIGHTS
840 TRADEMARK

PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK

- 830 PATENT

SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK

- 861 HIA (1395if)
862 BLACK LUNG (923)
863 DIWC (405(g))
863 DIWW (405(g))
864 SSD TITLE XVI
865 RSI (405(g))

FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK

- 870 TAXES (U.S. Plaintiff or Defendant)
871 IRS - THIRD PARTY 26 USC 7609

OTHER STATUTES - "4" MONTHS DISCOVERY TRACK

- 400 STATE REAPPORTIONMENT
430 BANKS AND BANKING
450 COMMERCE/ICC RATES/ETC.
460 DEPORTATION
470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
480 CONSUMER CREDIT
490 CABLE/SATELLITE TV
810 SELECTIVE SERVICE
875 CUSTOMER CHALLENGE 12 USC 3410
891 AGRICULTURAL ACTS
892 ECONOMIC STABILIZATION ACT
893 ENVIRONMENTAL MATTERS
894 ENERGY ALLOCATION ACT
895 FREEDOM OF INFORMATION ACT
900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
950 CONSTITUTIONALITY OF STATE STATUTES
890 OTHER STATUTORY ACTIONS

OTHER STATUTES - "8" MONTHS DISCOVERY TRACK

- 410 ANTITRUST
850 SECURITIES / COMMODITIES / EXCHANGE

OTHER STATUTES - "0" MONTHS DISCOVERY TRACK

- ARBITRATION (Confirm / Vacate / Order / Modify)

(Note: Mark underlying Nature of Suit as well)

* PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3

VII. REQUESTED IN COMPLAINT:

CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23 DEMAND \$

JURY DEMAND YES NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

VIII. RELATED/REFILED CASE(S) IF ANY

JUDGE Beverly Martin

DOCKET NO. s - SEE ATTACHED

CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)

- 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.
5. REPETITIVE CASES FILED BY PRO SE LITIGANTS.
6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S)): SEE ATTACHED
7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. , WHICH WAS DISMISSED. This case IS IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.

SIGNATURE OF ATTORNEY OF RECORD

12/16/09 DATE

CIVIL COVER SHEET

VIII. RELATED/REFILED CASE(S) IF ANY

Docket Nos.:

- 1:09-CV-1876-BBM, Chaplin, et al.
- 1:09-cv-3339-BBM, Cowan, et al.

6. Companion or Related Case to Case(s) being simultaneously filed (include abbreviated style of other case(s)):

Cynthia H. Cowan and Charles H. Cowan, Jr.
Jerry Dalman
Kathryn Huston and Curtis Huston
Kelly Poltermann and Brad Poltermann
Jacqueline M. Spangler