

2. Plaintiffs Janice C. Bertucci and Terry A. Bertucci, are citizens and residents of Louisiana and claims damages as set forth below.

ALLEGATIONS AS TO INJURIES

3. Plaintiff Janice C. Bertucci, has suffered injuries as a result of having been implanted with the following Sprint Fidelis Lead (the "Lead") manufactured by Defendants:

1. Model 6949, Serial Number LFJ129015V

Defendants, listed below, by their actions or inactions proximately caused Plaintiff's injuries.

4. As a result of the injuries that Plaintiff has sustained, he is entitled to recover compensatory, equitable and other relief.

5. On March 24, 2006, Plaintiff had the above-referenced Lead implanted by Dale Presser, MD, at Lakeview Regional Medical Center.

6. Plaintiff experienced inappropriate shocks as a result of the Lead(s). These shocks occurred on or around July 16, 2008.

7. On July 18, 2008, Plaintiff had the above-referenced Lead(s) explanted by Richard Colon, MD, at LSU-HCSD Bogalusa Medical Center.

8. As a result of the Lead, Plaintiff suffered injury and damages as set forth in the Master Complaint.

9. To the extent that this Complaint by Adoption includes a claim for loss of consortium, Plaintiff Terry A. Bertucci is entitled to recover compensatory, equitable and/or other relief. [Not Applicable:

ALLEGATIONS AS TO DEFENDANTS

10. The following entity is named as Defendant herein and the allegations with regard thereto in the Master Complaint are herein adopted by reference.

_____ MEDTRONIC, INC.

_____ MEDTRONIC PUERTO RICO, INC., (N/K/A MEDTRONIC INTERNATIONAL TECHNOLOGY, INC.),

_____ MEDTRONIC PUERTO RICO OPERATIONS CO.

_____ OTHER

SPECIFIC ALLEGATIONS AND THEORIES OF RECOVERY

11. The following claims and allegations asserted in the Master Complaint and the allegations with regard thereto in the Master Complaint are herein adopted by reference:

- _____ INTRODUCTION;
- _____ PARTIES;
- _____ JURISDICTION AND VENUE;
- _____ FACTUAL ALLEGATIONS;
- _____ COUNT ONE (Strict Liability – Failure to Warn and Instruct);
- _____ COUNT TWO (Strict Liability – Manufacturing Defect);
- _____ COUNT THREE (Negligence);
- _____ COUNT FOUR (negligence Per Se);
- _____ COUNT FIVE (Breach of Implied Warranty);
- _____ COUNT SIX (Breach of Express Warranty);
- _____ COUNT SEVEN (Negligent Misrepresentation);
- _____ COUNT EIGHT (Intentional Misrepresentation);
- _____ COUNT NINE (Fraud);
- _____ COUNT TEN (Constructive Fraud);
- _____ COUNT ELEVEN (Violation of Minnesota False Statements in Advertising Act);
- _____ COUNT TWELVE (Violation of the Minnesota Deceptive Trade Practice Act);
- _____ COUNT THIRTEEN (Violation of the Minnesota Prevention of Consumer Fraud Act);

COUNT FOURTEEN (Violation of the Senior Citizen and Handicapped Person Consumer Fraud Act, Minnesota Statute 325F.71);
 COUNT FIFTEEN (Negligent Infliction of Emotional Distress);
 COUNT SIXTEEN (Loss of Consortium)
 COUNT SEVENTEEN (Wrongful Death, Minn. Stat. §573.02(1));
 COUNT EIGHTEEN (Survival Action, Minn. Stat. §573.02(2));
 COUNT NINETEEN (Medical Monitoring);
 COUNT TWENTY (Unjust Enrichment);
 COUNT TWENTY ONE (Medicare Secondary Payer Act);
 COUNT TWENTY TWO (State Law Specific Cause of Action or Other Cause of Action to be set forth on an attached document and incorporated by reference).

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs seek judgment favor against Defendants as follows:

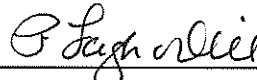
1. Economic and non-economic damages in an amount in excess of \$75,000 as provided by law and to be supported by the evidence at trial;
2. For the equitable relief requested;
3. For compensatory damages according to proof;
4. For all applicable statutory damages under the Medicare Secondary Payer Act and the applicable consumer protection legislation;
5. For declaratory judgment that Defendants are liable to Plaintiff for all evaluative, monitoring, diagnostic, preventative, and corrective medical, surgical, and incidental expenses, costs and losses caused by Defendants' wrongdoing;
6. For disgorgement of profits;
7. For an award of attorneys' fees and costs;
8. For prejudgment interest and the costs of suit; and
9. For such other and further relief as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

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

Date: 6/30/09.

BEASLEY, ALLEN, CROW,
METHVIN, PORTIS & MILES, P.C.



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