

2. Plaintiffs John R. Hyler, III and Barbara C. Hyler are citizens and residents of Virginia and claims damages as set forth below.

ALLEGATIONS AS TO INJURIES

3. Plaintiff John R. Hyler, III, has suffered injuries as a result of having been implanted with the following Sprint Fidelis Lead (the "Lead") manufactured by Defendants:

1. Model 6949/65, Serial Number LFJ052513V

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 July 12, 2007, Plaintiff had the above-referenced Lead implanted by Anthony Caruso, MD, at St. Francis Hospital.

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

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

ALLEGATIONS AS TO DEFENDANTS

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

X MEDTRONIC, INC.

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

X _____ MEDTRONIC PUERTO RICO OPERATIONS CO.

_____ OTHER

SPECIFIC ALLEGATIONS AND THEORIES OF RECOVERY

9. 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:

- X _____ INTRODUCTION;
- X _____ PARTIES;
- X _____ JURISDICTION AND VENUE;
- X _____ FACTUAL ALLEGATIONS;
- X _____ COUNT ONE (Strict Liability – Failure to Warn and Instruct);
- X _____ COUNT TWO (Strict Liability – Manufacturing Defect);
- X _____ COUNT THREE (Negligence);
- X _____ COUNT FOUR (negligence Per Se);
- X _____ COUNT FIVE (Breach of Implied Warranty);
- X _____ COUNT SIX (Breach of Express Warranty);
- X _____ COUNT SEVEN (Negligent Misrepresentation);
- X _____ COUNT EIGHT (Intentional Misrepresentation);
- X _____ COUNT NINE (Fraud);
- X _____ COUNT TEN (Constructive Fraud);
- X _____ COUNT ELEVEN (Violation of Minnesota False Statements in Advertising Act);
- X _____ COUNT TWELVE (Violation of the Minnesota Deceptive Trade Practice Act);
- X _____ COUNT THIRTEEN (Violation of the Minnesota Prevention of Consumer Fraud Act);
- X _____ COUNT FOURTEEN (Violation of the Senior Citizen and Handicapped Person Consumer Fraud Act, Minnesota Statute 325F.71);
- X _____ COUNT FIFTEEN (Negligent Infliction of Emotional Distress);
- X _____ COUNT SIXTEEN (Loss of Consortium)
- _____ COUNT SEVENTEEN (Wrongful Death, Minn. Stat. §573.02(1));
- _____ COUNT EIGHTEEN (Survival Action, Minn. Stat. §573.02(2));
- X _____ COUNT NINETEEN (Medical Monitoring);
- X _____ COUNT TWENTY (Unjust Enrichment);
- X _____ 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:

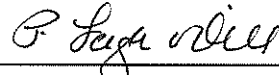
1. Economic and non-economic damages in an amount in excess of \$75,000 as provided by law and to be supported by the evidence at trial;
2. For the equitable relief requested;
3. For compensatory damages according to proof;
4. For all applicable statutory damages under the Medicare Secondary Payer Act 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: 4/30/09.

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



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