

GIBBONS P.C.
One Gateway Center
Newark, New Jersey 07102
(973) 596-4500
Attorneys for Defendant
Howmedica Osteonics Corp.

[INSERT PLAINTIFF(S) NAMES],

Plaintiff(s),

vs.

HOWMEDICA OSTEONICS CORPORATION,
a New Jersey Corporation, d/b/a STRYKER
ORTHOPAEDICS, JILL DOE
MANUFACTURERS (1-10), JACK DOE
WHOLESALEERS (1-10), JAKE DOE
SELLERS (1-10), JANE DOE DISTRIBUTORS
and MARKETERS (1-10), JIM DOE HEALTH
CARE PROVIDERS (1-10), and JEAN DOE
(1-10),

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

MASTER DOCKET NO. BER-L-936-13
CASE CODE 296

[INSERT INDIVIDUAL DOCKET NO.]

**DEFENDANT HOWMEDICA
OSTEONICS CORP.'S SHORT FORM
ANSWER AND JURY TRIAL DEMAND**

Defendant Howmedica Osteonics Corp. (incorrectly named as “Howmedica Osteonics Corporation, a New Jersey corporation d/b/a Stryker Orthopaedics”) (hereinafter “Defendant” or “HOC”), by and through its counsel, Gibbons P.C., in answer to Plaintiffs’ Short Form Complaint (“Complaint”), states as follows. In accordance with the Court’s Implementing Order dated May █, 2013, this Short Form Complaint incorporates by reference Defendant’s Master Long Form Answer for Rejuvenate Modular Hip Stem Cases and Defendant’s Master Long Form Answer for ABG II Modular Hip Stem Cases, including all responses and defenses set forth therein. Further pursuant to the Implementing Order dated May █, 2013, Defendant’s answers are set forth herein as if Plaintiffs’ complaint filed in this action conforms to the Master Short Form Complaint. *[Cross out last sentence if plaintiffs have served a short form complaint.]*

1. Defendant admits that Plaintiffs purport to bring this action as indicated in the Complaint, but denies that there is any legal or factual basis for such relief. Defendant denies the remaining allegations contained in Paragraph “1” of the Complaint.

PARTIES, JURISDICTION AND VENUE

2. Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “2” of the Complaint as to Plaintiff’s residency and citizenship, and leaves Plaintiff(s) to their proofs. Defendant denies the remaining allegations contained in Paragraph “2” of the Complaint.

3. Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “3” of the Complaint as to Plaintiff’s residency, citizenship and marital status, and leaves Plaintiffs to their proofs. Defendant denies the remaining allegations contained in Paragraph “3” of the Complaint.

4. Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “4” of the Complaint, and leaves Plaintiffs to their proofs.

FACTUAL ALLEGATIONS

Allegations as to **Right-Side** Implant/Explant Surgery(ies):

5. Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “5” of the Complaint. To the extent the allegations in Paragraph “5” seek to impute liability to Defendant, they are denied.

6. Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “6” of the Complaint. To the extent the allegations in Paragraph “6” seek to impute liability to Defendant, they are denied.

7. Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “7” of the Complaint. To the extent the allegations in Paragraph “7” seek to impute liability to Defendant, they are denied.

8. Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “8” of the Complaint. To the extent the allegations in Paragraph “8” seek to impute liability to Defendant, they are denied.

Allegations as to **Left-Side** Implant/Explant Surgery(ies):

9. Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “9” of the Complaint. To the extent the allegations in Paragraph “9” seek to impute liability to Defendant, they are denied.

10. Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “10” of the Complaint. To the extent the allegations in Paragraph “10” seek to impute liability to Defendant, they are denied.

11. Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “11” of the Complaint. To the extent the allegations in Paragraph “11” seek to impute liability to Defendant, they are denied.

12. Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph “12” of the Complaint. To the extent the allegations in Paragraph “12” seek to impute liability to Defendant, they are denied.

ALLEGATIONS AS TO INJURIES

13. Defendant denies the allegations contained in Paragraph “13” of the Complaint (including all of the sub-paragraphs).

14. Defendant denies the allegations contained in Paragraph “14” of the Complaint.

15. Defendant denies the allegations contained in Paragraph “15” of the Complaint.
16. Defendant denies the allegations contained in Paragraph “16” of the Complaint.
17. Defendant denies the allegations contained in Paragraph “17” of the Complaint.
18. Defendant denies the allegations contained in Paragraph “18” of the Complaint.

DEFENDANT-SPECIFIC ALLEGATIONS AND THEORIES OF RECOVERY

19. Defendant denies the allegations contained in Paragraph “19” of the Complaint (including all of the sub-paragraphs).

PRAYER FOR RELIEF

In response to Plaintiffs’ Paragraph and subparts entitled “Prayer for Relief,” Defendant denies all statements that Plaintiffs are entitled to any relief and/or damages whatsoever against Defendant.

SEPARATE DEFENSES

Defendant adopts and incorporates by reference every separate defense set forth in its Master Long Form Answer for Rejuvenate Hip Stem Cases and Master Long Form Answer for ABG II Modular Hip Stem Cases. In accordance with the Court’s Implementing Order dated May █, 2013, HOC reserves the right to assert case-specific defenses at a later time to be determined by the Court.

WHEREFORE, Defendant demands judgment in its favor and against Plaintiffs, dismissing Plaintiffs' Complaint with prejudice, together with the costs of suit and such other relief as the Court deems equitable and just.

GIBBONS P.C.
One Gateway Center
Newark, New Jersey 07102
(973) 596-4500
Attorneys for Defendant
Howmedica Osteonics Corp.

Dated: May __, 2013

By: _____
Kim M. Catullo

DEMAND FOR A TRIAL BY JURY

Defendant demands a trial by jury of twelve of all claims triable as of right by jury.

GIBBONS P.C.

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Howmedica Osteonics Corp.

By: _____
Kim M. Catullo

Dated: May __, 2013

CERTIFICATION OF SERVICE

I hereby certify that on this date a copy of the within pleading was served upon counsel for Plaintiffs.

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By: _____
Kim M. Catullo

Dated: May __, 2013