**UNITED STATES DISTRICT COURT**
**NORTHERN DISTRICT OF FLORIDA**
**PENSACOLA DIVISION**

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| IN RE: 3M COMBAT ARMS EARPLUG PRODUCTS LIABILITY LITIGATION<br><br>This Document Relates to:<br><br>_____<br><br>PLAINTIFF(S),<br><br>v.<br><br>3M COMPANY, 3M OCCUPATIONAL SAFETY LLC, AEARO HOLDING LLC, AEARO INTERMEDIATE LLC, AEARO LLC, and AEARO TECHNOLOGIES LLC,<br><br>DEFENDANTS. | Case No. 3:19-md-2885<br><br>Judge M. Casey Rodgers<br>Magistrate Judge Gary R. Jones<br><br>MASTER SHORT FORM COMPLAINT AND JURY TRIAL DEMAND<br><br>Civil Action No.: N/A |

## MASTER SHORT FORM COMPLAINT AND JURY TRIAL DEMAND

Plaintiff(s) incorporate(s) by reference the Master Long Form Complaint and Jury Trial Demand filed in *In re: 3M Combat Arms Earplug Products Liability Litigation* on September 20, 2019. Pursuant to Pretrial Order No. _____, this Short Form Complaint adopts the allegations, claims, and requested relief as set forth in the Master Long Form Complaint. As necessary herein, Plaintiff(s) may include: (a) additional claims and allegations against Defendants, as set forth in Paragraphs 10 and 11 or an additional sheet attached hereto; and/or (b) additional claims and

allegations against other Defendants not listed in the Master Long Form Complaint, as set forth in Paragraphs 12 and 13 or an additional sheet attached hereto.

Plaintiff(s) further allege(s) as follows:

## I. DEFENDANTS

1. Plaintiff(s) name(s) the following Defendants in this action:

☑ 3M Company

☑ 3M Occupational Safety LLC

☑ Aearo Holding LLC

☑ Aearo Intermediate LLC

☑ Aearo LLC

☑ Aearo Technologies LLC

## II. PLAINTIFF(S)

2. Name of Plaintiff:

| Michael | | Ballard |
|---|---|---|
| First | Middle | Last |

3. Name of spouse of Plaintiff (if applicable to loss of consortium claim):

4. Name and capacity (*i.e.*, executor, administrator, guardian, conservator, etc.) of other Plaintiff, if any:

5. State(s) of residence of Plaintiff(s):
TN

## III. JURISDICTION

6. Basis for jurisdiction (diversity of citizenship or other):
Diversity of Citizenship

7. Designated forum (United States District Court and Division) in which venue would be proper absent direct filing:

## IV. USE OF DUAL-ENDED COMBAT ARMS EARPLUG

8. Plaintiff used the Dual-Ended Combat Arms Earplug:

☑ Yes

☐ No

## V. INJURIES

9. Plaintiff alleges the following injuries and/or side effects as a result of using the Dual-Ended Combat Arms Earplug:

☑ Hearing loss

☑ Sequelae to hearing loss

☐ Other [specify below]
Other - Tinnitus

## VI. CAUSES OF ACTION

10. Plaintiff(s) adopt(s) in this Short Form Complaint the following claims asserted in the Master Long Form Complaint and Jury Trial Demand, and the allegations with regard thereto as set forth in the Master Long Form Complaint and Jury Trial Demand:

☑ Count I – Design Defect – Negligence

☑ Count II – Design Defect – Strict Liability

☑ Count III – Failure to Warn – Negligence

☑ Count IV – Failure to Warn – Strict Liability

☑ Count V – Breach of Express Warranty

☑ Count VI – Breach of Implied Warranty

☑ Count VII – Negligent Misrepresentation

☑ Count VIII – Fraudulent Misrepresentation

☑ Count IX – Fraudulent Concealment

☑ Count X – Fraud and Deceit

☑ Count XI – Gross Negligence

☑ Count XII – Negligence Per Se

☑ Count XIII – Consumer Fraud and/or Unfair Trade

☐ Practices Count XIV – Loss of Consortium

☑ Count XV – Unjust Enrichment

☑ Count XVI – Punitive Damages

☐ Count XVII – Other [specify below]

11. If additional claims against the Defendants identified in the Master Long Form Complaint and Jury Trial Demand are alleged in Paragraph 10, the facts supporting these allegations must be pleaded. Plaintiff(s) assert(s) the following factual allegations against the Defendants identified in the Master Long Form Complaint and Jury Trial Demand:

12. Plaintiff(s) contend(s) that additional parties may be liable or responsible for Plaintiff(s)' damages alleged herein. Such additional parties, who will be hereafter referred to as Defendants, are as follows (must name each Defendant and its citizenship):

13. Plaintiff(s) assert(s) the following additional claims and factual allegations against other Defendants named in Paragraph 12:

**WHEREFORE,** Plaintiff(s) pray(s) for relief and judgment against Defendants and all such further relief that this Court deems equitable and just as set forth in the Master Long Form Complaint and Jury Demand and any additional relief to which Plaintiff(s) may be entitled.

Dated: _____