

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION**

BARRY BRANT

PLAINTIFF

vs.

Civil Case No. 1:20-cv-01068-SOH

**BIOMET ORTHOPEDICS, LLC;
BIOMET ORTHOPEDICS, INC.;
BIOMET MANUFACTURING, CORP.;
BIOMET MANUFACTURING, LLC;
BIOMET, INC.;
ZIMMER US, INC. d/b/a Zimmer Biomet;
ZIMMER BIOMET HOLDINGS, INC.; and
JOHN DOE COMPANIES A-Z**

DEFENDANTS

PLAINTIFF'S ORIGINAL COMPLAINT

Comes now, Barry Brant, who brings this Complaint against the Defendants Biomet Orthopedics, LLC; Biomet Orthopedics, Inc.; Biomet Manufacturing, Corp.; Biomet Manufacturing, LLC; Biomet, Inc.; Zimmer US, Inc. d/b/a Zimmer Biomet; Zimmer Biomet Holdings, Inc.; and John Doe Companies A-Z, alleges and states:

I. INTRODUCTION

1. This personal injury/products liability lawsuit arises from a failed, defective, and unreasonably dangerous elbow medical device designed, manufactured, and sold by the Biomet Defendants, which exploded while still implanted inside Plaintiff's left elbow. This explosion occurred on or about February 25, 2018. The failed, defective, and unreasonably dangerous elbow medical device caused catastrophic injuries and damages to Plaintiff. Plaintiff brings this personal injury/products liability lawsuit against the Biomet Defendants pursuant to Arkansas state law seeking remedy for the damages suffered by him as a result of the failed, defective, and unreasonably dangerous elbow implant.

II. PARTIES

2. Plaintiff incorporates by reference herein the preceding paragraph as though stated word-for-word.

A. Plaintiff

3. Barry Brant is a resident of Union County, Arkansas.

B. Biomet Orthopedics, LLC

4. Biomet Orthopedics, LLC is a for-profit limited liability company formed under the laws of Indiana with its principal place of business also in Indiana.

5. At all times pertinent to this Complaint, Biomet Orthopedics, LLC was and is in the business of designing, manufacturing, marketing, promoting, advertising, and selling medical devices including the subject Discovery Elbow System and the corresponding humeral kit and ulna stem, which had been implanted inside Plaintiff's left elbow.

6. Specifically, Biomet Orthopedics, LLC or by and through its subsidiaries derives substantial revenues from business in Arkansas.

7. Biomet Orthopedics, LLC may be served with process in this action by delivering summons and copy of this complaint with process by serving its registered agent for service, which is Corporation Service Company.

C. Biomet Orthopedics, Inc.

8. Biomet Orthopedics, Inc. is a for-profit corporation incorporated under the laws of Indiana with its principal place of business also in Indiana.

9. At all times pertinent to this Complaint, Biomet Orthopedics, Inc. was and is in the business of designing, manufacturing, marketing, promoting, advertising, and

selling medical devices including the subject Discovery Elbow System and the corresponding humeral kit and ulna stem, which had been implanted inside Plaintiff's left elbow.

10. Specifically, Biomet Orthopedics, Inc. or by and through its subsidiaries derives substantial revenues from business in Arkansas.

11. Biomet Orthopedics, Inc. may be served with process in this action by delivering summons and copy of this complaint with process by serving its registered agent for service, which is Corporation Service Company.

D. Biomet Manufacturing, Corp.

12. Biomet Manufacturing, Corp. is a for-profit corporation incorporated under the laws of Indiana with its principal place of business also in Indiana.

13. At all times pertinent to this Complaint, Biomet Manufacturing, Corp. was and is in the business of designing, manufacturing, marketing, promoting, advertising, and selling medical devices including the subject Discovery Elbow System and the corresponding humeral kit and ulna stem, which had been implanted inside Plaintiff's left elbow.

14. Specifically, Biomet Manufacturing, Corp. or by and through its subsidiaries derives substantial revenues from business in Arkansas.

15. Biomet Manufacturing, Corp. may be served with process in this action by delivering summons and copy of this complaint with process by serving its registered agent for service, which is Corporation Service Company.

E. Biomet Manufacturing, LLC

16. Biomet Manufacturing, LLC is a for-profit limited liability company formed under the laws of Indiana with its principal place of business also in Indiana.

17. At all times pertinent to this Complaint, Biomet Manufacturing, LLC was and is in the business of designing, manufacturing, marketing, promoting, advertising, and selling medical devices including the subject Discovery Elbow System and the corresponding humeral kit and ulna stem, which had been implanted inside Plaintiff's left elbow.

18. Specifically, Biomet Manufacturing, LLC or by and through its subsidiaries derives substantial revenues from business in Arkansas.

19. Biomet Manufacturing, LLC may be served with process in this action by delivering summons and copy of this complaint with process by serving its registered agent for service, which is Corporation Service Company.

F. Biomet, Inc.

20. Biomet, Inc. is a for-profit corporation incorporated under the laws of Indiana with its principal place of business also in Indiana.

21. At all times pertinent to this Complaint, Biomet, Inc. was and is in the business of designing, manufacturing, marketing, promoting, advertising, and selling medical devices including the subject Discovery Elbow System and the corresponding humeral kit and ulna stem, which had been implanted inside Plaintiff's left elbow.

22. Specifically, Biomet, Inc. or by and through its subsidiaries derives substantial revenues from business in Arkansas.

23. Biomet, Inc. may be served with process in this action by delivering

summons and copy of this complaint with process by serving its registered agent for service, which is Corporation Service Company.

G. Zimmer US, Inc. d/b/a Zimmer Biomet

24. Zimmer US, Inc. d/b/a Zimmer Biomet is a for-profit corporation incorporated under the laws of Delaware with its principal place of business in Indiana.

25. At all times pertinent to this Complaint, Zimmer US, Inc. d/b/a Zimmer Biomet was and is in the business of designing, manufacturing, marketing, promoting, advertising, and selling medical devices including the subject Discovery Elbow System and the corresponding humeral kit and ulna stem, which had been implanted inside Plaintiff's left elbow.

26. Specifically, Zimmer US, Inc. d/b/a Zimmer Biomet or by and through its subsidiaries derives substantial revenues from business in Arkansas.

27. Zimmer US, Inc. d/b/a Zimmer Biomet may be served with process in this action by delivering summons and copy of this complaint with process by serving its registered agent for service, which is Corporation Service Company.

H. Zimmer Biomet Holdings, Inc.

28. Zimmer Biomet Holdings, Inc. is a for-profit corporation incorporated under the laws of Delaware with its principal place of business in Indiana.

29. At all times pertinent to this Complaint, Zimmer Biomet Holdings, Inc. was and is in the business of designing, manufacturing, marketing, promoting, advertising, and selling medical devices including the subject Discovery Elbow System and the corresponding humeral kit and ulna stem, which had been implanted inside Plaintiff's left elbow.

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