

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA

KATHLEEN LENT,

Plaintiff,

v.

ETHICON ENDO-SURGERY, INC.,  
ETHICON ENDO-SURGERY, LLC,  
JOHNSON & JOHNSON HEALTH  
CARE SYSTEMS, INC., and  
JOHNSON & JOHNSON  
CONSUMER, INC.,

Defendants.

Civil Action No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT**

Kathleen Lent, Plaintiff (hereinafter referred to as “Plaintiff” or “Lent”) complaining of Defendants, Ethicon Endo-Surgery, Inc., Ethicon Endo-Surgery, LLC, Johnson & Johnson Health Care Systems, Inc. and Johnson & Johnson Consumer, Inc. (hereinafter referred to as “Defendants”), respectfully alleges as follows:

**I. INTRODUCTION**

1. Defendants, and each of them, designed, manufactured, and marketed without proper notice, defective Ethicon Endo-Surgery Staplers. The FDA recently reported that during the time period from January 1, 2011, through December 31, 2018, it received close to 110,000 reports related to issues with surgical staplers. Of these, 412

were submitted as deaths, 11,181 were submitted as serious injuries, and 98,404 were submitted as malfunctions.<sup>1</sup>

2. Plaintiff Kathleen Lent was injured when a surgical stapler, designed, manufactured, and marketed by Defendants, malfunctioned/misfired during her July 30, 2019 surgery, resulting in a staple line leak in her colon wall near the anastomosis which had to be repaired through a series of subsequent surgeries and hospitalizations.

## II. PARTIES

3. At all times material, Plaintiff Kathleen Lent was an individual residing in Cabarrus County, in the State of North Carolina.

4. At all times material, Defendant Ethicon Endo-Surgery, Inc., was and is an Ohio corporation with its principal place of business at 4545 Creek Road, Mail Location 11, Cincinnati, Ohio 45242. At all times material, Defendant Ethicon Endo-Surgery, Inc., was conducting business throughout the State of North Carolina and it maintains significant, systematic and continuous contacts throughout the State of North Carolina, but does not appear to have a designated agent within the state upon whom service of process may be had for causes of action arising out of such business.

5. Defendant Ethicon Endo-Surgery, LLC is incorporated in the State of Delaware and its principal place of business is located in Puerto Rico. Per its Certificate of Authorization to do Business of a Foreign Corporation filed with the Puerto Rico

---

<sup>1</sup> FDA Executive Summary, prepared for the May 30, 2019 Meeting of the General and Plastic Surgery Devices Panel, Reclassification of Surgical Staplers for Internal Use, p. 13, available online at <https://www.fda.gov/media/126211/download> (accessed July 21, 2021).

Registry of Corporations and Entities, Defendant lists its designated office address in Puerto Rico as 475 Street C Los Frailes Industrial Park, Suite 401, Guaynabo, PR 00969 and its Corporate Domicile as 1209 Orange Street, Wilmington, DE 19801. According to Ethicon Endo-Surgery's registration with the Registry of Corporations and Entities in Puerto Rico, the LLC has 20 Administrators, domiciled in Puerto Rico (8), New Jersey (6), and Ohio (6). No members are domiciled in the State of North Carolina. At all times material, Defendant Ethicon Endo-Surgery, LLC, has been conducting business throughout the State of North Carolina and maintains significant, systematic and continuous contacts throughout the State of North Carolina, but does not appear to have a designated agent within the state upon whom service of process may be had for causes of action arising out of such business.

6. Defendant Johnson & Johnson Health Care Systems, Inc. ("Johnson & Johnson") is a New Jersey corporation with its principal place of business at One Johnson & Johnson Plaza, New Brunswick, New Jersey 08933. Defendant Johnson & Johnson can be served with process through its Chief Executive Officer, Alex Gorsky, One Johnson & Johnson Plaza, New Brunswick, New Jersey 08933. At all times material, Johnson & Johnson has been conducting business throughout the State of North Carolina and maintains significant, systematic and continuous contacts throughout the State of North Carolina. Johnson & Johnson is registered to do business in North Carolina with its local registered agent listed as CT Corporation System, 160 Mine Lake Road, Suite 200, Raleigh NC 27615-6417.

7. At all times material Defendant Johnson & Johnson Consumer, Inc. (“Johnson & Johnson Consumer”) was and is a New Jersey corporation with its principal place of business at One Johnson & Johnson Plaza, New Brunswick, New Jersey 08933. Defendant Johnson & Johnson Consumer can be served with process through its Chief Executive Officer, Alex Gorsky, One Johnson & Johnson Plaza, New Brunswick, New Jersey 08933. At all times material, Defendant Johnson & Johnson Consumer has been conducting business throughout the State of North Carolina and maintains significant, systematic and continuous contacts throughout the State of North Carolina. Johnson & Johnson Consumer is registered to do business in North Carolina with its local registered agent listed as CT Corporation System, 160 Mine Lake Road, Suite 200, Raleigh NC 27615-6417.

8. Defendants Ethicon Endo-Surgery, Inc., Ethicon Endo-Surgery, LLC, Johnson & Johnson Health Care Systems, Inc., and Johnson & Johnson Consumer, Inc., shall be referred to herein individually by name or jointly as the Defendants.

### **III. JURISDICTION AND VENUE**

9. The Court has jurisdiction over this civil action pursuant to 28 U.S.C. § 1332(a) inasmuch as the amount in controversy exceeds \$75,000, exclusive of interests and costs, and Plaintiff is a citizen of a different state than Defendants.

10. Venue in this district for pretrial proceedings in these civil actions is proper under 28 U.S.C. § 1391, inasmuch as a substantial part of the events or omissions giving rise to the claim occurred in this district.

11. At all times material, Ethicon Endo-Surgery, Inc., has been in the business of the researching, developing, selling, and marketing of surgical staplers and staples. At all times material, Ethicon Endo-Surgery, Inc., has been in the business of and did design, research, manufacture, test, advertise, promote, market, sell, and distribute the surgical stapler and staples that make the basis of this suit in the State of North Carolina. This Court has personal jurisdiction over Ethicon Endo-Surgery, Inc., because Defendant has submitted itself to the jurisdiction of this Court by engaging in conduct set forth in this Complaint in the State of North Carolina.

12. At all times material, Ethicon Endo-Surgery, LLC, has been in the business of the researching, developing, selling, and marketing of surgical staplers and staples. At all times material, Ethicon Endo-Surgery, LLC, has been in the business of and did design, research, manufacture, test, advertise, promote, market, sell, and distribute the surgical stapler and staples that make the basis of this suit in the State of North Carolina. This Court has personal jurisdiction over Ethicon Endo-Surgery, LLC, because Defendant has submitted itself to the jurisdiction of this Court by engaging in conduct set forth in this Complaint in the State of North Carolina.

13. At all times material, Johnson & Johnson has been in the business of the researching, developing, selling, and marketing of surgical staplers and staples. At all times material, Johnson & Johnson has been in the business of and did design, research, manufacture, test, advertise, promote, market, sell, and distribute the surgical stapler and staples that make the basis of this suit in the State of North Carolina. This Court has personal jurisdiction over Johnson & Johnson because Defendant has submitted itself to

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.