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Attorneys for Plaintiff(s)

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

	)	CASE NO.
	)	COMPLAINT FOR DAMAGES
	)	NOTICE RE: DIET DRUG
Plaintiff(s),	)	LITIGATION COORDINATION
vs.	)	<b>NOTICE RE: ADOPTION OF</b>
	)	<b>MASTER COMPLAINT</b>
	)	
	)	
	)	
Defendants.	)	

PLAINTIFF(S) COMPLAIN(S) OF THE DEFENDANTS AND EACH OF THEM AS  
FOLLOWS:

1. Plaintiff(s) refers to and incorporates herein by reference that certain Master  
Complaint filed IN RE: DIET DRUGS LITIGATION, JCCP 4032, as though fully set forth  
herein. Plaintiff(s) hereby adopts the Master Complaint and agrees to be bound by any rulings  
with respect to the pleadings. Plaintiff(s) is a resident(s) of the State of \_\_\_\_\_,  
County of \_\_\_\_\_.

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2. Plaintiff(s) brings this action in the following capacities:

Plaintiff \_\_\_\_\_ is an individual who sustained personal injuries and damages as a result of consumption of the subject diet drugs.

Plaintiff alleges the following injuries (general description):

\_\_\_\_\_.

Plaintiff \_\_\_\_\_ is the spouse of \_\_\_\_\_ who sustained personal injuries and damages as a result of consumption of the subject diet drugs.

Decedent \_\_\_\_\_ sustained fatal injuries as a result of ingestion of the subject diet drugs. The following Plaintiffs are the heirs of Decedent, or other persons entitled to bring an action for the wrongful death of Decedent, and bring the causes of action alleged herein pursuant to C.C.P. Section

377.60: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

The nature of the injuries causing death are (general description):

\_\_\_\_\_.

The date of death is: \_\_\_\_\_

Decedent \_\_\_\_\_ sustained fatal injuries as a result of ingestion of the subject diet drugs. The following Plaintiffs are the successors and/or representatives in interest of Decedent and bring the causes of action alleged herein pursuant to C.C.P. Section 377.32:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Other \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

1           3.       Plaintiff(s) action:

2       \_\_\_\_\_ is a Diet Drug case which was previously filed and which is currently included in Judicial  
3       Council Coordination Proceeding No. 4032.

4       \_\_\_\_\_ is a Diet Drug case which was previously filed and is not currently included in Judicial  
5       Council Coordination Proceeding No. 4032.

6       \_\_\_\_\_ is a new Diet Drug case.

7  
8           NOTICE IS HEREBY GIVEN that Plaintiff(s) herein is asserting a claim or claims for  
9       damages which generally involve drug products and the component parts thereof, and that,  
10      accordingly, this case is eligible for statewide coordination pursuant to C.C.P. §404, et seq. and  
11      inclusion in Judicial Council Coordination Proceeding No. 4032, now pending before the  
12      Honorable Daniel S. Pratt, Judge Presiding of the Superior Court of the State of California for the  
13      County of Los Angeles.

14      \_\_\_\_\_ Plaintiff(s) does not oppose coordination of this action.

15      \_\_\_\_\_ Plaintiff(s) opposes coordination of this action pursuant to California Rules of Court, Rule  
16      1544, and requests the Coordination Court to schedule a hearing to determine the issue at  
17      its earliest convenience.

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19           NOTICE IS ALSO GIVEN that pursuant to C.C.P. §404.4, and by order of the  
20      Coordination Court, this action is ordered stayed, except for proceedings relating to coordination,  
21      until such time as the Coordination Court orders otherwise.

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23           4.       Plaintiff(s) allege(s) that the Defendants listed below, whose names are checked,  
24      are liable to Plaintiff(s) as set forth below:

25      A.       PHARMACEUTICAL COMPANY DEFENDANTS:

26      \_\_\_\_\_ AMERICAN HOME PRODUCTS CORPORATION

27      \_\_\_\_\_ WYETH-AYERST, A DIVISION OF AMERICAN HOME PRODUCTS

28                           CORPORATION

- 1 \_\_\_\_\_ WYETH-AYERST LABORATORIES COMPANY
- 2 \_\_\_\_\_ INTERNEURON PHARMACEUTICALS, INC.
- 3 \_\_\_\_\_ GATE PHARMACEUTICALS
- 4 \_\_\_\_\_ TEVA PHARMACEUTICALS, USA, INC.
- 5 \_\_\_\_\_ SMITHKLINE BEECHAM CORPORATION
- 6 \_\_\_\_\_ ABANA PHARMACEUTICALS, INC.
- 7 \_\_\_\_\_ RICHWOOD PHARMACEUTICAL COMPANY, INC.
- 8 \_\_\_\_\_ ION LABORATORIES, INC.
- 9 \_\_\_\_\_ MEDEVA PHARMACEUTICALS, INC.
- 10 \_\_\_\_\_ A.H. ROBINS COMPANY, INC.
- 11 \_\_\_\_\_ CAMALL COMPANY
- 12 \_\_\_\_\_ GOLDLINE LABORATORIES
- 13 \_\_\_\_\_ EON LABORATORIES MANUFACTURING, INC.
- 14 \_\_\_\_\_ LABORATOIRES SERVIER SA
- 15 \_\_\_\_\_ FISONS CORPORATION
- 16 \_\_\_\_\_ RHONE-POULENC RORER INC.
- 17 \_\_\_\_\_ OTHER
- 18 \_\_\_\_\_
- 19 \_\_\_\_\_
- 20 \_\_\_\_\_
- 21 \_\_\_\_\_
- 22 \_\_\_\_\_

23 **B. NON-PHARMACEUTICAL COMPANY DEFENDANTS:**

24 \_\_\_\_\_ Diet Centers: \_\_\_\_\_

25 \_\_\_\_\_

26 \_\_\_\_\_

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1 \_\_\_\_\_ Physicians: \_\_\_\_\_

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

5 \_\_\_\_\_ Other: \_\_\_\_\_

6 \_\_\_\_\_

7 \_\_\_\_\_

8 \_\_\_\_\_

9 5. Plaintiff(s) sue(s) the Defendants for the causes of action checked below which  
10 reference each such Defendant, as follows:

11 \_\_\_\_\_ Strict Liability – Failure to Warn - Pharmaceutical Company Defendants Only

12 \_\_\_\_\_ Negligence - Pharmaceutical Company Defendants and Diet Center Defendants Only

13 \_\_\_\_\_ Negligence Per Se - Pharmaceutical Company Defendants Only

14 \_\_\_\_\_ Breach of Implied Warranty - Pharmaceutical Company Defendants Only

15 \_\_\_\_\_ Breach of Express Warranty - Pharmaceutical Company Defendants Only

16 \_\_\_\_\_ Deceit by Concealment - Cal. Civ. Code §1709 -1710 - Pharmaceutical Company

17 Defendants and Diet Center Defendants Only

18 \_\_\_\_\_ Negligent Misrepresentation - Pharmaceutical Company Defendants and Diet Center

19 Defendants Only

20 \_\_\_\_\_ Violation of Business and Professions Code §17200 - Pharmaceutical Company

21 Defendants and Diet Center Defendants Only.

22 \_\_\_\_\_ Violation of Business and Professions Code §17500 - Pharmaceutical Company

23 Defendants and Diet Center Defendants Only

24 \_\_\_\_\_ Loss of Consortium

25 \_\_\_\_\_ Medical Negligence<sup>1</sup> - Health Care Provider Defendants Only

26 \_\_\_\_\_

27 \_\_\_\_\_

28 \_\_\_\_\_  
<sup>1</sup>Compliance with C.C.P. §364 remains a condition precedent.

1 \_\_\_\_\_ Other(s) (Set forth in Attachment "1")

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5 WHEREFORE, PLAINTIFF(S) PRAY(S) FOR JUDGMENT AS FOLLOWS:

6 \_\_\_\_\_ For past and future general damages, according to proof.

7 \_\_\_\_\_ For past and future medical and incidental expenses, according to proof.

8 \_\_\_\_\_ For past and future loss of earnings and/or earning capacity, according to proof.

9 \_\_\_\_\_ For punitive and exemplary damages in an amount to be determined at trial except as to  
10 Health Care Provider Defendants.

11 \_\_\_\_\_ For prejudgment interest on all damages as is allowed by the laws of the State of  
12 California.

13 \_\_\_\_\_ For past and future mental and emotional distress, according to proof.

14 \_\_\_\_\_ For past and future loss of consortium, according to proof.

15 \_\_\_\_\_ For past and future costs of suit incurred herein.

16 \_\_\_\_\_ For injunctive relief, as allowed under Business and Professions Code, Sections 17200 et.  
17 seq. and 17500 et. seq.

18 \_\_\_\_\_ For such other and further relief as the Court deems proper.

19

20 Dated: \_\_\_\_\_

21

BY: \_\_\_\_\_

22

Attorney(s) for Plaintiff(s)

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NOTE:

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This Adoption Form shall be filed in both the home jurisdiction and the Coordination Court for  
26 new cases filed on or after June 16, 1998. This Adoption Form need only be filed in the  
27 Coordination Court for those cases filed before June 15, 1998.

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