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Attorneys for Plaintiff(s)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

)	Case No.
Plaintiff(s),)	COMPLAINT FOR DAMAGES
v.)	NOTICE RE: DIET DRUG LITIGATION COORDINATION
Defendant(s).)	NOTICE RE: ADOPTION OF MASTER COMPLAINT FOR AN INITIAL OPT- OUT OR PRIMARY PULMONARY HYPERTENSION CASE¹
)	
)	
)	

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.

¹ Note: This form is for use only by persons who are filing a claim: a) under the Initial Opt-Out provisions of the Nationwide Class Action Settlement Agreement between American Home Products Corporation (now known as Wyeth) and a class of persons who used Pondimin and/or Redux (the "Settlement"), or b) based on the allegation that these products caused Primary Pulmonary Hypertension. Persons who file claims under the Intermediate Opt-Out or Back-End Opt-Out provisions of the Settlement should use the Adoption of Master Complaint form for such claims, which is available on the Court's website (www.lasuperiorcourt.org/dietdrug).

1 Plaintiff(s) hereby adopts the Master Complaint and agrees to be bound by any rulings with respect
2 to the pleadings. Plaintiff(s) is a resident(s) of the State of _____,
3 County of _____.

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

5 _____ Plaintiff _____ is an individual who
6 sustained personal injuries and damages as a result of consumption of the subject diet drugs.
7 Plaintiff alleges the following injuries (general description):

8 _____
9 _____ Plaintiff _____ is the spouse of
10 _____ who sustained personal injuries and damages as a
11 result of consumption of the subject diet drugs.

12 _____ Decedent _____ sustained fatal injuries as a result of
13 ingestion of the subject diet drugs. The following Plaintiffs are the heirs of Decedent, or
14 other persons entitled to bring an action for the wrongful death of Decedent, and bring the
15 causes of action alleged herein pursuant to C.C.P. Section 377.60: _____

16 _____
17 _____

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

19 _____
20 The date of death is: _____.

21 _____ Decedent _____ sustained fatal injuries as a result of ingestion of
22 the subject drugs. The following Plaintiffs are the successors and/or representatives in
23 interest of Decedent and bring the causes of action alleged herein pursuant to C.C.P. Section
24 377.32:

25 _____
26 _____
27 _____

1 _____ Other _____
2 _____

3 3. Plaintiff(s)' action:

4 _____ is a Diet Drug case which was previously filed and which is currently included in Judicial
5 Council Coordination Proceeding No. 4032.

6 _____ is a Diet Drug case which was previously filed and is not currently included in Judicial
7 Council Coordination Proceeding No. 4032.

8 _____ is a new Diet Drug case.

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

15 _____ Plaintiff(s) does not oppose coordination of this action.

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

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

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

24 A. PHARMACEUTICAL COMPANY DEFENDANTS:

25 _____ WYETH

26 _____ INTERNEURON PHARMACEUTICALS, INC.

27 _____ GATE PHARMACEUTICALS

1 _____
2 _____
3
4 5. Plaintiff(s) sue(s) the Defendants for the causes of action checked below which
5 reference each such Defendant, as follows:

6 _____ Strict Liability – Failure to Warn – Pharmaceutical Company Defendants Only

7 _____ Negligence – Pharmaceutical Company Defendants and Diet Center Defendants Only

8 _____ Negligence Per Se – Pharmaceutical Company Defendants Only

9 _____ Breach of Implied Warranty – Pharmaceutical Company Defendants Only

10 _____ Breach of Express Warranty – Pharmaceutical Company Defendants Only

11 _____ Deceit by Concealment – Cal. Civ. Code §1709 – 1710 – Pharmaceutical Company
12 Defendants and Diet Center Defendants Only

13 _____ Negligent Misrepresentation – Pharmaceutical Company Defendants and Diet Center
14 Defendants Only

15 _____ Violation of Business and Professions Code §17200 – Pharmaceutical Company Defendants
16 and Diet Center Defendants Only.

17 _____ Violation of Business and Professions Code § 17500 – Pharmaceutical Company Defendants
18 and Diet Center Defendants Only

19 _____ Loss of Consortium

20 _____ Medical Negligence² – Health Care Provider Defendants Only

21 _____ Other(s) (Set forth in Attachment “1”)
22 _____
23 _____

24
25 WHEREFORE, PLAINTIFF(S) PRAY(S) FOR JUDGMENT AS FOLLOWS:
26 _____

27 ² Compliance with C.C.P. §364 remains a condition precedent.

- 1 ___ For past and future general damages, according to proof.
- 2 ___ For past and future medical and incidental expenses, according to proof.
- 3 ___ For past and future loss of earnings capacity, according to proof.
- 4 ___ For punitive and exemplary damages in an amount to be determined at trial except as to
- 5 Health Care Provider Defendants.
- 6 ___ For prejudgment interest on all damages as is allowed by the laws of the State of California.
- 7 ___ For past and future mental and emotional distress, according to proof.
- 8 ___ For past and future loss of consortium, according to proof.
- 9 ___ For past and future costs of suit incurred herein.
- 10 ___ For injunctive relief, as allowed under Business and Professions Code, Sections
- 11 17200 et seq. and 17500 et seq.
- 12 ___ For such other and further relief as the Court deems proper.

13

14 Dated: _____

15

16

17 By: _____

18 Attorneys for Plaintiff(s)

19 NOTE:

20 This Adoption Form shall be filed in both the home jurisdiction and the Coordination Court for new

21 cases filed on or after the date of entry of General Order No. 15.

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