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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 INTERMEDIATE OR BACK-END OPT-OUT CASE¹
)	
)	
)	
)	
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)	

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

¹ Note: This form is for use only by persons who are filing a claim under the Intermediate Opt-Out or Back-End 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"). Persons claiming that these products caused Primary Pulmonary Hypertension ("PPH"), and/or persons who exercised an "Initial Opt-Out" from 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) refers to and incorporates herein by reference the Amended Master Complaint filed IN RE: DIET DRUGS LITIGATION, JCCP 4032, as though fully set forth herein.

Plaintiff(s) adopts the Amended Master Complaint and agrees to be bound by any rulings with respect to the pleadings. Plaintiff is a resident of the State of California, County of

_____.

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 _____ (Pondimin and/or Redux). Based on an echocardiogram, plaintiff was diagnosed as suffering from the following injuries (general description):

_____. A copy of the report from the echocardiogram is attached.

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

____ Other _____

3. Plaintiff brings this action as:

____ an Intermediate Opt-Out (“IOO”).

____ a Back-End Opt-Out (“BEOO”).

In so doing, Plaintiff has properly opted-out of the Settlement, and has submitted the requisite Orange Form # ___ to the Settlement Trust. A copy of the form is attached.

4. The prescribing physicians(s) was/were _____.

5. Plaintiff has previously received the following benefits or payments under the Class Settlement : _____.

6. Plaintiff(s)’ action is a new Diet Drug case.

1 NOTICE IS HEREBY GIVEN that Plaintiff(s) is asserting a claim or claims for damages
2 which generally involve drug products and the component parts thereof, and that, accordingly, this
3 case is eligible for statewide coordination pursuant to C.C.P. §404, et seq. and inclusion in Judicial
4 Council Coordination Proceeding No. 4032, now pending before the Honorable Daniel S. Pratt,
5 Judge Presiding of the Superior Court of the State of California for the County of Los Angeles.
6 Plaintiff(s) does not oppose coordination of this action.

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

10 7. Because of the injuries Plaintiff(s) sustained, as outlined above, and having properly
11 opted-out of the Settlement, Plaintiff allege(s) that the Defendants listed below, whose names are
12 checked, are liable to Plaintiff(s) as set forth below:

13 A. PHARMACEUTICAL COMPANY DEFENDANTS:

14 _____ Wyeth

15 _____ OTHER:

16 _____
17 _____
18 _____

19 B. NON-PHARMACEUTICAL COMPANY DEFENDANTS:

20 _____ Diet Centers: _____

21 _____
22 _____

23 _____ Physicians: _____

24 _____
25 _____

26 _____ Other: _____

27 _____

1 _____
2 8. As to each cause of action checked below, Plaintiff(s) sue(s) the above-named Defendant for
3 the causes of action which are applicable to that defendant, as specified in the Amended Master
4 Complaint (**Plaintiff acknowledges that he/she is not asserting any claim for punitive,
5 exemplary, and/or multiple damages**):

6 _____ Strict Liability – Failure to Warn

7 _____ Negligence

8 _____ Negligence Per Se

9 _____ Breach of Implied Warranty

10 _____ Breach of Express Warranty

11 _____ Deceit by Concealment – Cal. Civ. Code §1709-1710

12 _____ Negligent Misrepresentation

13 _____ Loss of Consortium

14 _____ Medical Negligence² – Health Care Provider Defendants Only

15 _____ Other(s): _____
16 _____
17 _____

18 WHEREFORE, PLAINTIFF(S) PRAY(S) FOR JUDGMENT AS FOLLOWS (Any and all
19 recovery is only to the extent that such recovery is permitted by the Settlement. *Plaintiff further
20 acknowledges that he/she is not asserting any claim for punitive, exemplary, and/or multiple
21 damages.*):

22 _____ For past and future general damages, according to proof.

23 _____ For past and future medical and incidental expenses, according to proof.

24 _____ For past and future loss of earnings and/or earning capacity, according to proof.
25 _____

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

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- _____ For prejudgment interest on all damages as is allowed by the laws of the State of California.
- _____ For past and future mental and emotional distress, according to proof.
- _____ For past and future loss of consortium, according to proof.
- _____ For past and future costs of suit incurred herein.
- _____ For such other and further relief as the Court deems proper.

Dated: _____

By: _____
Attorneys for Plaintiff(s)

NOTE:

This Adoption Form shall be filed in both the home jurisdiction and the Coordination Court for new cases filed on or after the date of entry of General Order No. 15.