

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA

3 THIS DOCUMENT APPLIES TO
4 PLAINTIFF(S): JUDY BRADEMANN,
5 INDIVIDUALLY AND AS HEIR AT LAW
6 AND BENEFICIARY OF THE ESTATE
7 OF RANDY BRADEMANN; TAMI
8 JAYNE NELSON, AS HEIR AT LAW
9 AND BENEFICIARY OF THE ESTATE
10 OF RANDY BRADEMANN; ROBERT
11 BRADEMANN AS HEIR AT LAW AND
12 BENEFICIARY OF THE ESTATE OF
13 RANDY BRADEMANN; PENNY
14 RICHARDS, AS HEIR AT LAW AND
15 BENEFICIARY OF THE ESTATE OF
16 RANDY BRADEMANN;

17 Plaintiffs

18 v.

19 AMYLIN PHARMACEUTICALS, LLC,
20 ELI LILLY AND COMPANY,
21 MERCK SHARP & DOHME CORP.,
22 NOVO NORDISK INC.,
23 BOEHRINGER INGELHEIM GMBH

24 (Check all the above that apply)

25 Defendants

Pertains To Civil Action No.:

In Re: Incretin-Based Therapies
Products Liability Litigation

MDL NO. 2452

**SHORT FORM
COMPLAINT FOR
DAMAGES**

MDL No.:
13md2452 AJB(MDD)

26 **SHORT FORM COMPLAINT FOR DAMAGES**

27 COMES NOW the Plaintiff(s) named herein, and for Complaint against the
28 Defendants named herein, incorporates and fully adopts the Master Form Complaint
(the "Master Complaint") in MDL No. 2452 by reference. Plaintiff(s) further shows
the Court as follows:

JURISDICTION AND VENUE

1. Jurisdiction in this Complaint is based on:

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- Diversity of Citizenship
- Other (As set forth below, the basis of any additional ground for jurisdiction must be pleaded in sufficient detail as required by the applicable Federal Rules of Civil Procedure): _____.

2. District Court and Division in which you might have otherwise filed absent the direct filing order entered by this Court: Western District of Arkansas, Harrison Division.

3. Plaintiff(s) further adopts the allegations contained in the following paragraphs of the Jurisdiction and Venue section of the Master Complaint:

- Paragraph 10;
- Paragraph 11;
- Paragraph 12;
- Paragraph 13;
- Paragraph 14;
- Paragraph 15; and/or
- Other allegations as to jurisdiction and venue (Plead in sufficient detail in numbered paragraphs (numbered to begin with 3(a)) as required by the applicable Federal Rules of Civil Procedure): _____.

PLAINTIFF/INJURED PARTY INFORMATION

4. Injured/Deceased Party’s Name: Randy Brademann (the “Injured Party”).

5. Any injury (or injuries) suffered by the Injured Party in addition to those injuries related to the Injured Party’s Pancreatic Cancer, which is alleged to have been caused by the drug(s) ingested as set forth below (put “None” if applicable): None.

6. Injured Party’s spouse or other party making loss of consortium claim: Judy Brademann.

1 7. Other Plaintiff(s) and capacity, if Injured Party is deceased or
2 otherwise incapacitated (i.e., administrator, executor, guardian, representative,
3 conservator, successor in interest): Beneficiary and Heir at Law.

4 8. City(ies) and State(s) of residence of Injured Party at time of ingestion
5 of the Drug(s): Mountain Home, AR.

6 9. City and State of residence of Injured Party at time of pancreatic
7 cancer diagnosis (if different from above): N/A.

8 10. City and State of residence of Injured Party at time of diagnosis of
9 other Injury(ies) alleged in Paragraph 5 (if different from above): N/A.

10 11. If applicable, City and State of current residence of Injured Party (if
11 different from above): N/A.

12 12. If applicable, City and State of residence of Injured Party at time of
13 death (if different from above): N/A.

14 13. If applicable, City and State of current residence of each Plaintiff,
15 including any Consortium and or other Plaintiff(s) (i.e., administrator, executor,
16 guardian, representative, conservator, successor in interest): Mountain Home, AR.

17 14. Check box(es) of product(s) (the "Drugs") for which you are making
18 claims in this Complaint:

19 Byetta. Dates of use: At least 2007 – 2009.

20 Januvia. Dates of use: At least 2007 – 2009.

21 Janumet. Dates of use: At least 2007 – 2009.

22 Victoza. Dates of use: At least 2007 – 2009.

23 Tradjenta. Dates of use: At least 2007 – 2009.

24 15. Date of pancreatic cancer diagnosis: On or about March 12, 2009.

25 16. If applicable, date of other injuries alleged in Paragraph 5: N/A.

26 17. If applicable, date of death: 8/5/2009.

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DEFENDANTS NAMED HEREIN

(Check Defendants against whom Complaint is made)

- Amylin Pharmaceuticals, LLC
- Eli Lilly and Company
- Merck Sharp & Dohme Corp.
- Novo Nordisk Inc.

CAUSES OF ACTION

(Counts in the Master Complaint brought by Plaintiff(s))

- Count I – Strict Liability – Failure to Warn
- Count II – Strict Liability – Design Defect
- Count III – Negligence
- Count IV – Breach of Implied Warranty
- Count V – Breach of Express Warranty
- Count VI – Punitive Damages
- Count VII – Loss of Consortium
- Count VIII – Wrongful Death
- Count IX – Survival Action
- Other Count(s): _____

Plead factual and legal basis for any Other Count(s) in separately numbered Paragraphs (beginning with Paragraph 18) that provide sufficient information and detail to comply with the applicable Federal Rules of Civil Procedure.

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PRAYER FOR RELIEF AND, AS APPLICABLE,
PRAYER FOR RELIEF FOR SURVIVAL AND WRONGFUL DEATH

WHEREFORE, Plaintiff(s) pray(s) for relief as set forth in the Master
Complaint filed in MDL No. 2452.

JURY DEMAND

Plaintiff(s) hereby demands **does not** demand a trial by jury on all
issues so triable.

Dated: December 1, 2015

RESPECTFULLY SUBMITTED,

By: /s/ Jacob Plattenberger
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