

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA

3 THIS DOCUMENT APPLIES TO
4 PLAINTIFF(S): JEWELL GLADY,
5 INDIVIDUALLY AND AS THE
6 REPRESENTATIVE OF THE ESTATE OF
STEPHEN GLADY, DECEASED,

7 Plaintiffs

8 v.

- 9 AMYLIN PHARMACEUTICALS, LLC,
10 ELI LILLY AND COMPANY,
11 MERCK SHARP & DOHME CORP.,
12 NOVO NORDISK INC.,

13 (Check all the above that apply)

14 Defendants

Pertains To Civil Action No.:

In Re: Incretin-Based Therapies
Products Liability Litigation

MDL NO. 2452

**SHORT FORM COMPLAINT
FOR DAMAGES**

Case No.: 13md2452 AJB(MDD)

15 **SHORT FORM COMPLAINT FOR DAMAGES**

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

20 **JURISDICTION AND VENUE**

21 1. Jurisdiction in this Complaint is based on:

22 Diversity of Citizenship

23 Other (As set forth below, the basis of any additional ground for
24 jurisdiction must be pleaded in sufficient detail as required by the
25 applicable Federal Rules of Civil Procedure):

26 _____.

27 2. District Court and Division in which you might have otherwise filed
28 absent the direct filing order entered by this Court: United States District Court,

1 District of Minnesota

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

4 Paragraph 10;

5 Paragraph 11;

6 Paragraph 12;

7 Paragraph 13;

8 Paragraph 14;

9 Paragraph 15; and/or

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

14 PLAINTIFF/INJURED PARTY INFORMATION

15 4. Injured/Deceased Party's Name: STEPHEN GLADY (the "Injured
16 Party").

17 5. Any injury (or injuries) suffered by the Injured Party in addition to
18 those injuries related to the Injured Party's Pancreatic Cancer, which is alleged to
19 have been caused by the drug(s) ingested as set forth below (put "None" if
20 applicable): NONE

21 6. Injured Party's spouse or other party making loss of consortium claim:
22 JEWELL GLADY

23 7. Other Plaintiff(s) and capacity, if Injured Party is deceased or
24 otherwise incapacitated (i.e., administrator, executor, guardian, representative,
25 conservator, successor in interest): JEWELL GLADY AS THE
26 REPRESENTATIVE OF THE ESTATE OF STEPHEN GLADY, DECEASED

27 8. City(ies) and State(s) of residence of Injured Party at time of ingestion
28 of the Drug(s): WYKOFF, MINNESOTA

1 CAUSES OF ACTION

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

3 Count I – Strict Liability – Failure to Warn

4 Count II – Strict Liability – Design Defect

5 Count III – Negligence

6 Count IV – Breach of Implied Warranty

7 Count V – Breach of Express Warranty

8 Count VI – Punitive Damages

9 Count VII – Loss of Consortium

10 Count VIII – Wrongful Death

11 Count IX – Survival Action

12 Other Count(s): _____

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

16 _____
17 _____

18 PRAYER FOR RELIEF AND, AS APPLICABLE,

19 PRAYER FOR RELIEF FOR SURVIVAL AND WRONGFUL DEATH

20
21 WHEREFORE, Plaintiff(s) pray(s) for relief as set forth in the Master
22 Complaint filed in MDL No. 2452.

23
24 JURY DEMAND

25 Plaintiff(s) hereby demands **does not** demand a trial by jury on all
26 issues so triable.
27

1 Dated: December 14, 2015

RESPECTFULLY SUBMITTED,

2
3 By: **THE DRAKULICH FIRM, APLC**

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5
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