

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA

3 THIS DOCUMENT APPLIES TO
4 PLAINTIFF(S): ROBERT A. BREYER JR.
5 AND KEVIN VAN KAMPEN

6 Plaintiffs

7 v.

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

12 (Check all the above that apply)

13 Defendants

Pertains To Civil Action No.:
N/A

In Re: Incretin-Based Therapies
Products Liability Litigation

MDL NO. 2452

**SHORT FORM COMPLAINT
FOR DAMAGES**

Case No.: 13md2452 AJB(MDD)

14 **SHORT FORM COMPLAINT FOR DAMAGES**

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

19 **JURISDICTION AND VENUE**

20 1. Jurisdiction in this Complaint is based on:

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

25 N/A

26 2. District Court and Division in which you might have otherwise filed
27 absent the direct filing order entered by this Court: N/A

28 _____

1 9. City and State of residence of Injured Party at time of pancreatic
2 cancer diagnosis (if different from above): New York City, New York

3 _____.

4 10. City and State of residence of Injured Party at time of diagnosis of
5 other Injury(ies) alleged in Paragraph 5 (if different from above): New York City,
6 New York

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

9 _____.

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

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

16 _____.

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: 10/03/2008-12/16/2008; 07/02/2010

20 _____.

21 Januvia. Dates of use: 01/22/2009-06/19/2010

22 _____.

23 Janumet. Dates of use: N/A

24 Victoza. Dates of use: N/A

25 15. Date of pancreatic cancer diagnosis: 04/18/2011

26 _____.

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

28 _____.

1 17. If applicable, date of death: N/A

2 _____.

3 DEFENDANTS NAMED HEREIN

4 (Check Defendants against whom Complaint is made)

5 Amylin Pharmaceuticals, LLC

6 Eli Lilly and Company

7 Merck Sharp & Dohme Corp.

8 Novo Nordisk Inc.

9 CAUSES OF ACTION

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

11

12 Count I – Strict Liability – Failure to Warn

13 Count II – Strict Liability – Design Defect

14 Count III – Negligence

15 Count IV – Breach of Implied Warranty

16 Count V – Breach of Express Warranty

17 Count VI – Punitive Damages

18 Count VII – Loss of Consortium

19 Count VIII – Wrongful Death

20 Count IX – Survival Action

21 Other Count(s): _____

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

25 _____
26 _____

27 PRAYER FOR RELIEF AND, AS APPLICABLE,

28

1 PRAYER FOR RELIEF FOR SURVIVAL AND WRONGFUL DEATH

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

4 JURY DEMAND

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

7 Dated: March 28, 2014

8 RESPECTFULLY SUBMITTED,

9
10 /s/ Paul D. Stevens

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