

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA

3 THIS DOCUMENT APPLIES TO
4 PLAINTIFF(S): DOROTHY FORD

5 Deborah Swick personal representative for
6 the Estate of Dorothy Ford, Deceased
7 Plaintiffs

8 v.

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

(Check all the above that apply)

13 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)

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 _____
26 2. District Court and Division in which you might have otherwise filed
27 absent the direct filing order entered by this Court: Middle District of Florida.
28

1 other Injury(ies) alleged in Paragraph 5 (if different from above): Port Charlotte,
2 Florida.

3 11. If applicable, City and State of current residence of Injured Party (if
4 different from above): Port Charlotte, Florida.

5 12. If applicable, City and State of residence of Injured Party at time of
6 death (if different from above): Port Charlotte, Florida.

7 13. If applicable, City and State of current residence of each Plaintiff,
8 including any Consortium and or other Plaintiff(s) (i.e., administrator, executor,
9 guardian, representative, conservator, successor in interest): Deborah Swick,
10 Personal Representative Port Charlotte, Florida.

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

13 Byetta. Dates of use: September 2006 –July 2011.

14 Januvia. Dates of use: August 2008 - November 2008.

15 Janumet. Dates of use: _____.

16 Victoza. Dates of use: _____.

17 15. Date of pancreatic cancer diagnosis: January 9, 2012.

18 16. If applicable, date of other injuries alleged in Paragraph 5: _____.

19 17. If applicable, date of death: January 29, 2012.

20 DEFENDANTS NAMED HEREIN

21 (Check Defendants against whom Complaint is made)

22 Amylin Pharmaceuticals, LLC

23 Eli Lilly and Company

24 Merck Sharp & Dohme Corp.

25 Novo Nordisk Inc.

26 CAUSES OF ACTION

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

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- 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): Fraudulent Concealment

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.

Defendants were aware of a causal link between their medication and pancreatic cancer, but withheld that information from the public and from regulatory authorities, including by failing to report adverse events to the FDA, and by failing to properly report the results of clinical and epidemiological studies.

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.

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JURY DEMAND

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

Dated: September 19, 2014

RESPECTFULLY SUBMITTED,

By: /s/Maxwell S. Kennerly
Maxwell S. Kennerly
The Beasley Firm, LLC
1125 Walnut Street
Philadelphia, PA 19107
Attorneys for Plaintiffs