

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA

3 CRYSTAL BRESHEARS,
4 INDIVIDUALLY AND AS SUCCESSOR-
5 IN-INTEREST OF THE ESTATE OF
6 RAYMOND BRESHEARS, DECEASED

7 Plaintiff,

8 v.

9 [X] AMYLIN PHARMACEUTICALS, LLC,
10 [X] ELI LILLY AND COMPANY,
11 [] MERCK SHARP & DOME CORP.,
12 [] NOVO NORDISK INC.,

13 (Check all the above that apply)

14 Defendants

Pertains to Civil Action No.:
3:13-CV-1244-CAB-KSC

In Re: Incretin-Based Therapies
Product Liability Litigation

3:13-md-024520AJB-MDD

MDL NO. 2452

**AMENDED SHORT FORM
COMPLAINT FOR DAMAGES**

15 **AMENDED 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 [X] 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 applicable
25 Federal Rules of Civil Procedure):

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

1 9. City and State of residence of Injured Party at time of pancreatic cancer
2 diagnosis (if different from above): Same As Above

3 10. City and State of residence of Injured Party at time of diagnosis of other
4 Injury(ies) alleged in Paragraph 5 (if different from above): Same As Above

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

7 12. If applicable, City and State of residence of Injured Party at time of
8 death (if different from above): Hot Springs, Arkansas

9 13. If applicable, City and State of current residence of each Plaintiff, any
10 Consortium and or other Plaintiff(s) (i.e., administrator, executor, representative,
11 conservator, successor-in-interest): Hot Springs, Arkansas

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

14 Byetta. Dates of use: 2007 – 6/2012

15 Januvia. Dates of use:

16 Janumet. Dates of use:

17 Victoza. Dates of use:

18 15. Date of pancreatic cancer diagnosis: February 2013

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

20 17. If applicable, date of death: September 28, 2013

21
22 **DEFENDANTS NAMED HEREIN**

23 (Check Defendants against whom Complaint is made)

24 Amylin Pharmaceuticals, LLC

25 Eli Lilly and Company

26 Merck Sharp & Dohme Corp.

27 Novo Nordisk Inc.

28

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

22 **JURY DEMAND**

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

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26 Dated, November 18, 2014

1 Respectfully submitted by,

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