

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF CALIFORNIA

3 THIS DOCUMENT APPLIES TO  
4 PLAINTIFF(S): MORDECHAI BECK and  
5 ESTHER BECK

6 Plaintiffs,

7 v.

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

(Check all the above that apply)

12 Defendants

Pertains to Civil Action No.:

In Re: Incretin-Based Therapies  
Product Liability Litigation

3:13-md-024520AJB-MDD

**MDL NO. 2452**

**SHORT FORM COMPLAINT  
FOR DAMAGES**

13 **SHORT FORM COMPLAINT FOR DAMAGES**

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

18 **JURISDICTION AND VENUE**

19 1. Jurisdiction in this Complaint is based on:

20 [X] Diversity of Citizenship

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

24 2. District Court and Division in which you might have otherwise filed  
25 absent the direct filing order entered by this Court: United States District Court  
26 for the Eastern District of New York  
27 \_\_\_\_\_  
28



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

3 11. If applicable, City and State of current residence of Injured Party (if  
4 different from above): Same As Above

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

7 13. If applicable, City and State of current residence of each Plaintiff, any  
8 Consortium and or other Plaintiff(s) (i.e., administrator, executor, representative,  
9 conservator, successor-in-interest): Brooklyn, New York

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

12  Byetta. Dates of use: \_\_\_\_\_

13  Januvia. Dates of use: \_\_\_\_\_

14  Janumet. Dates of use: 6/2010 – 1/2012

15  Victoza. Dates of use: \_\_\_\_\_

16 15. Date of pancreatic cancer diagnosis: March 12, 2012

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

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

19  
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  
27 **CAUSES OF ACTION**

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

- 1             Count I – Strict Liability – Failure to Warn
- 2             Count II – Strict Liability – Design Defect
- 3             Count III – Negligence
- 4             Count IV – Breach of Implied Warranty
- 5             Count V – Breach of Express Warranty
- 6             Count VI – Punitive Damages
- 7             Count VII – Loss of Consortium
- 8             Count VIII – Wrongful Death
- 9             Count IX – Survival Action
- 10            Other Count(s): \_\_\_\_\_

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

14 \_\_\_\_\_

15  
16                            **PRAYER FOR RELIEF AND, AS APPLICABLE,**  
17                            **PRAYER FOR RELIEF FOR SURVIVAL AND WRONGFUL DEATH**

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

20                            **JURY DEMAND**

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

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24            Dated, December 29, 2014

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26            Respectfully submitted by,

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28                            /s/ Robert J. Drakulich, Esq.

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