

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA

3 THIS DOCUMENT APPLIES TO
4 PLAINTIFF(S): NORMA JEAN PHIPPS
5 AND PHILLIP J. PHIPPS

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.:

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: United States District Court
28 Southern District of California

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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): _____

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.

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.

JURY DEMAND

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

Dated: January 16, 2015

RESPECTFULLY SUBMITTED,

By: /s/ Michael Goetz
Michael Goetz, Esquire
Florida Bar No. 963984

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