

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA

3 THIS DOCUMENT APPLIES TO
4 PLAINTIFF(S): LORRAINE GOLDEN and
5 GRANT GOLDEN

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
26 COURT FOR THE DISTRICT OF NEVADA (CITY OF LAS VEGAS)
27

1 7. Other Plaintiff(s) and capacity, if Injured Party is deceased or otherwise
2 incapacitated (i.e., administrator, executor, guardian, representative, conservator,
3 successor in interest): N/A

4 8. City(ies) and State(s) of residence of Injured Party at time of ingestion of
5 the Drug(s): INJURED PARTY FIRST TOOK JANUVIA WHILE SHE WAS
6 LIVING IN LA HABRA, CALIFORNIA AND CONTINUED TAKING
7 EITHER JANUVIA OR JANUMET UNTIL SHE WAS DIAGNOSED WITH
8 PANCREATIC CANCER. WHICH OCCURRED WHILE SHE WAS LIVING
9 IN LAS VEGAS, NEVADA

10 9. City and State of residence of Injured Party at time of pancreatic cancer
11 diagnosis (if different from above): LAS VEGAS, NEVADA

12 10. City and State of residence of Injured Party at time of diagnosis of other
13 Injury(ies) alleged in Paragraph 5 (if different from above): LAS VEGAS,
14 NEVADA

15 11. If applicable, City and State of current residence of Injured Party (if
16 different from above): SUN CITY, CALIFORNIA

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

19 13. If applicable, City and State of current residence of each Plaintiff, any
20 Consortium and or other Plaintiff(s) (i.e., administrator, executor, representative,
21 conservator, successor-in-interest): SUN CITY, CALIFORNIA

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

24 Byetta. Dates of use: _____

25 Januvia. Dates of use: 2007 AND 2008

26 Janumet. Dates of use: 2008

27 Victoza. Dates of use: _____

28

1 15. Date of pancreatic cancer diagnosis: DECEMBER 4, 2008

2 16. If applicable, date of other injuries alleged in Paragraph 5: INJURED
3 PARTIES RELATED INJURIES THAT STEM FROM PANCREATIC
4 CANCER WERE DIAGNOSED SUBSEQUENT TO HER PANCREATIC
5 CANCER DIAGNOSIS, WHICH OCCURRED ON 12/4/2008

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

7 **DEFENDANTS NAMED HEREIN**

8 (Check Defendants against whom Complaint is made)

9 Amylin Pharmaceuticals, LLC

10 Eli Lilly and Company

11 Merck Sharp & Dohme Corp.

12 Novo Nordisk Inc.

13 **CAUSES OF ACTION**

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

15 Count I – Strict Liability – Failure to Warn

16 Count II – Strict Liability – Design Defect

17 Count III – Negligence

18 Count IV – Breach of Implied Warranty

19 Count V – Breach of Express Warranty

20 Count VI – Punitive Damages

21 Count VII – Loss of Consortium

22 Count VIII – Wrongful Death

23 Count IX – Survival Action

24 Other Count(s): _____

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

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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, February 27, 2015

Respectfully submitted by,

/s/ Robert J. Drakulich, Esq.
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