

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA

3 THIS DOCUMENT APPLIES TO
4 PLAINTIFF(S): _____
5 AURORA DE LA TORRE DIAZ

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 Central District of California, Western Division

1 3. Plaintiff(s) further adopts the allegations contained in the following
2 paragraphs of the Jurisdiction and Venue section of the Master Complaint:

3 Paragraph 10;

4 Paragraph 11;

5 Paragraph 12;

6 Paragraph 13;

7 Paragraph 14;

8 Paragraph 15; and/or

9 Other allegations as to jurisdiction and venue (Plead in sufficient detail
10 in numbered paragraphs (numbered to begin with 3(a)) as required by the
11 applicable Federal Rules of Civil Procedure): _____
12 _____.

13 PLAINTIFF/INJURED PARTY INFORMATION

14 4. Injured/Deceased Party's Name: Aurora De La Torre Diaz

15 (the "Injured Party").

16 5. Any injury (or injuries) suffered by the Injured Party in addition to
17 those injuries related to the Injured Party's Pancreatic Cancer, which is alleged to
18 have been caused by the drug(s) ingested as set forth below (put "None" if
19 applicable): None

20 6. Injured Party's spouse or other party making loss of consortium claim:
21 Not applicable

22 7. Other Plaintiff(s) and capacity, if Injured Party is deceased or
23 otherwise incapacitated (i.e., administrator, executor, guardian, representative,
24 conservator, successor in interest): _____

25 8. City(ies) and State(s) of residence of Injured Party at time of ingestion
26 of the Drug(s): Bell, California

27 9. City and State of residence of Injured Party at time of pancreatic
28 cancer diagnosis (if different from above): _____

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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.

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JURY DEMAND

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

Dated: January 8 _____, 2014 RESPECTFULLY SUBMITTED,

By: 
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