

Attorneys for Plaintiff

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IN THE SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION, ATLANTIC COUNTY

<p>_____ ,</p> <p>Plaintiff(s),</p> <p>vs.</p> <p>Defendants.</p>
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**IN RE: REGLAN  
LITIGATION**

Case No. 289

DOCKET: ATL-L-\_\_\_\_\_

**THIRD AMENDED  
SHORT FORM  
COMPLAINT FOR  
REGLAN  
(METOCLOPRAMIDE)  
LITIGATION**

**JURY TRIAL  
DEMANDED**

**THIRD AMENDED SHORT FORM COMPLAINT FOR REGLAN LITIGATION AND  
ADOPTION BY REFERENCE**

1. Pursuant to Amended Case Management Order No. 13 entered in the *In re Reglan®/metoclopramide Litigation*, Case No. 289, in the Superior Court of New Jersey, Law Division, Atlantic County before the Honorable Carol E. Higbee, P.J.Cv., the undersigned counsel hereby submit this Third Amended Short Form Complaint (“Short Form”) against

Defendants, indicated below, for equitable relief, monetary restitution, and/or compensatory and punitive damages, and, adopts and incorporates by reference those allegations in the Plaintiffs' Second Amended Master Long Form Complaint, filed August 19, 2011, contained in Paragraphs 1 through 520, and any and all amendments thereto.

Plaintiff(s) selects and indicates by checking off/and or completing the appropriate spaces, those products, parties and claims that are specific to his or her case. Where claims require, pursuant to New Jersey or other state law, specific pleading or case specific facts and individual information, plaintiff shall add and include them therein.

2. Plaintiff(s) who are parties to this civil action are identified as follows:

a. Plaintiff, \_\_\_\_\_ [*insert name of Reglan<sup>®</sup>/metoclopramide ingesting Plaintiff*], is a citizen and resident in the State of \_\_\_\_\_, and claims damages as set forth below.

b. Plaintiff brings this action:

\_\_\_\_\_ On behalf of herself or himself

\_\_\_\_\_ As the representative of \_\_\_\_\_

\_\_\_\_\_ As the parent and natural guardian *ad litem* of \_\_\_\_\_,

a minor born on \_\_\_\_\_

\_\_\_\_\_ As the administrator or personal representative of the Estate of Plaintiff \_\_\_\_\_ (hereinafter "Decedent," see Letters of Administration or other empowering documentation annexed hereto as Exhibit A), who died on \_\_\_\_\_

c. Additionally, \_\_\_\_\_ [*insert name of non- Reglan<sup>®</sup>/metoclopramide ingesting plaintiff*], the Plaintiff's [ *applicable relationship to Plaintiff*].  
 spouse,  child, and/or  other \_\_\_\_\_ [*please describe*], is a citizen and resident in the State of \_\_\_\_\_, and claims damages as set forth below.

3. Plaintiff asserts that the ingestion of brand name Reglan<sup>®</sup> and/or generic metoclopramide product(s), as listed below, caused his/her injury(ies).

**Product**

**Manufacturer**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Plaintiff, \_\_\_\_\_ ingested Reglan<sup>®</sup> and/or metoclopramide from, on or about \_\_\_\_\_ *[Insert month and year of first ingestion]* to, on or about \_\_\_\_\_ *[Insert month and year of last ingestion]*.

5. The Reglan<sup>®</sup>/metoclopramide ingesting Plaintiff was diagnosed with the following injury or injuries [ applicable conditions]:

**Diagnosis**

- Tardive Dyskinesia
- Dystonia
- Akathisia
- Extrapyrarnidal symptoms (or EPS)
- Bucco-facial dyskinesia
- Tremor or essential tremor
- Neuroleptic Malignant Disorder
- Chorea

Diagnosis

- Restless Leg Syndrome
- Parkinson's disease or syndrome
- Dementia
- Epilepsy
- Suicidal Ideation
- Aggregation of pre-existing condition
- Death
- Financial Loss
- Emotional injury
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_

6. The following entity(ies) named as Defendant(s) herein and the allegations with regard thereto in the Amended Master Long-Form Complaint are herein adopted by reference.

- WYETH LLC
- WYETH PHARMACEUTICALS, INC.
- WYETH, INC.
- WYETH HOLDINGS CORPORATION, INDIVIDUALLY AND D/B/A  
LEDERLE

- SCHWARZ PHARMA INC.
  
- SCHWARZ PHARMA AG
  
- UCB SA
  
- UCB INC.
  
- ALAVEN PHARMACEUTICAL LLC
  
- MEDA PHARMACEUTICALS, INC.
  
- MEDA AB
  
- BAXTER HEALTHCARE CORPORATION
  
- WOCKHARDT USA
  
- MORTON GROVE PHARMACEUTICALS, INC.
  
- TEVA PHARMACEUTICALS USA, INC.
  
- GOLDLINE LABORATORIES, INC., INDIVIDUALLY and D/B/A IVAX PHARMACEUTICALS, INC.
  
- IVAX PHARMACEUTICALS, INC.
  
- PLIVA, INC., INDIVIDUALLY AND F/K/A SIDMAK LABORATORIES, INC.

- PLIVA D.D.
  
- BARR PHARMACEUTICALS, LLC F/K/A BARR PHARMACEUTICALS, INC.
  
- BARR LABORATORIES, INC.
  
- DURAMED PHARMACEUTICALS, INC.
  
- QUALITEST PHARMACEUTICALS, INC.
  
- GENERICS BIDCO I., LLC., INDIVIDUALLY AND D/B/A QUALITEST PHARMACEUTICALS
  
- THE HARVARD DRUG GROUP LLC, INDIVIDUALLY AND D/B/A MAJOR PHARMACEUTICALS, INC.
  
- PHARMACEUTICAL ASSOCIATES, INC.
  
- BEACH PRODUCTS INC.
  
- UNITED RESEARCH LABORATORIES, INC.
  
- MUTUAL PHARMACEUTICAL COMPANY, INC.
  
- SILARX PHARMACEUTICALS, INC.
  
- SANDOZ, INC.
  
- ANIP ACQUISITION COMPANY A/K/A ANIP PHARMACEUTICALS A/K/A ANI PHARMACEUTICALS A/K/A A & I PHARMACEUTICALS

- WATSON LABORATORIES, INC.
  
- RUGBY PHARMACEUTICALS, INC. A/K/A RUGBY LABORATORIES, INC.
  
- ACTAVIS ELIZABETH LLC, INDIVIDUALLY AND D/B/A PUREPAC PHARMACEUTICALS
  
- APP PHARMACEUTICALS, LLC, INDIVIDUALLY AND D/B/A ABRAXIS PHARMACEUTICALS
  
- BEDFORD LABORATORIES
  
- HOSPIRA INC.
  
- IPCA PHARMACEUTICALS INC.
  
- MCKESSON CORPORATION, INDIVIDUALLY AND D/B/A NORTHSTAR RX LLC
  
- NORTHSTAR RX LLC
  
- RUGBY LABORATORIES, INC.
  
- NORBROOK INC.
  
- SMITH & NEPHEW INC.
  
- VISTAPHARM, INC.

- ROXANE LABORATORIES, INC.
  
- PAR PHARMACEUTICAL INC.
  
- ACURA PHARMACEUTICALS, INC., F/K/A HALSEY DRUG COMPANY
  
- PACO PHARMACEUTICAL SERVICES, INC.
  
- VINTAGE PHARMACEUTICALS, LLC
  
- SCHERING CORPORATION
  
- RANBAXY PHARMACEUTICALS, INC.
  
- BRISTOL MEYERS SQUIBB CO., INDIVIDUALLY AND D/B/A APOTHECON, INC.
  
- APOTHECON, INC.
  
- INVAMED. INC.
  
- ALPHARMA INC.
  
- Other: \_\_\_\_\_
  
- Other: \_\_\_\_\_

7. Plaintiff(s) further adopt and incorporate by reference the following Claims for Relief asserted in the “Plaintiffs’ Amended Master Long Form Complaint” filed November 15, 2010



and as amended (claims are against all relevant defendants identified above, unless otherwise indicated) [ applicable liability theories]:

**General Counts by Plaintiffs of any State against Wyeth Defendants specifically**

- COUNT I - Conscious Misrepresentation Involving Risk of Physical Harm, against Wyeth Defendants.
- COUNT II - Negligent Misrepresentation Involving Risk of Physical Harm, against Wyeth Defendants.

**General Counts by Plaintiffs of any State against Schwarz Defendants specifically**

- COUNT III - Conscious Misrepresentation Involving Risk of Physical Harm, against Schwarz Defendants.
- COUNT IV - Negligent Misrepresentation Involving Risk of Physical Harm, against Schwarz Defendants.

**General Counts by Plaintiffs of any State against Alaven Defendants specifically**

- COUNT V - Conscious Misrepresentation Involving Risk of Physical Harm, against Alaven Defendants.
- COUNT VI - Negligent Misrepresentation Involving Risk of Physical Harm, against Alaven Defendants.

**General Count by Plaintiffs of any State against Wyeth Defendants, Schwarz Defendants, Alaven Defendants, Morton Grove & Baxter specifically**

- COUNT VII - Liability as NDA or RLD Holder

**New Jersey Specific Counts**

- COUNT VIII - Defective Design, under N.J.S.A. 2A:58C-2.c, against [ All Defendants or  Insert Specific Defendants: \_\_\_\_\_]

- COUNT IX - Failure To Warn, under N.J.S.A. 2A:58C-2.b, against [ *All Defendants* or  *Insert Specific Defendants:* \_\_\_\_\_]
- COUNT X - Breach Of Express Warranties, under N.J.S.A. 12A:2-313 & N.J.S.A. 2A:58C-1.b(3)) against [ *All Defendants* or  *Insert Specific Defendants:* \_\_\_\_\_]
- COUNT XI - Wrongful Death, under N.J.S.A. 2A: 31-1, *et seq.*, against [ *All Defendants* or  *Insert Specific Defendants:* \_\_\_\_\_]
- COUNT XII - Survival Action, under N.J.S.A. 2A: 15-3, against [ *All Defendants* or  *Insert Specific Defendants:* \_\_\_\_\_]
- COUNT XIII - Punitive Damages Under The Common Law And Product Liability Act— N.J.S.A. 2A:58C-1, against [ *All Defendants* or  *Insert Specific Defendants:* \_\_\_\_\_]

**Counts by Plaintiffs Residing Outside of New Jersey**

Certain of the PLAINTIFF(s) were prescribed, purchased, and/or were injured as a result of ingestion of the metoclopramide products outside of New Jersey. To the extent the Court chooses to apply the law of a state other than New Jersey, and/or to the extent plaintiffs are required to plead the laws of such jurisdictions, Plaintiffs intend to put Defendants on notice of claims which may be alternately asserted by the individual Plaintiffs from the following states and jurisdictions:

- COUNT XIV – Strict Liability, against [ *All Defendants* or  *Insert Specific Defendants:* \_\_\_\_\_]
- COUNT XV – Negligence, against [ *All Defendants* or  *Insert Specific Defendants:* \_\_\_\_\_]
- COUNT XVI- Negligence Per Se, against [ *All Defendants* or  *Insert Specific Defendants:* \_\_\_\_\_]

COUNT XVII- Negligent Claims Under The Applicable Laws Of Connecticut, against  
[ *All Defendants* or  *Insert Specific Defendants*:  
\_\_\_\_\_]

COUNT XVIII- Common Law Fraud, against [ *All Defendants* or  *Insert  
Specific Defendants*: \_\_\_\_\_]

COUNT XIX- Fraudulent Concealment. against [ *All Defendants* or  *Insert  
Specific Defendants*: \_\_\_\_\_]

COUNT XX- Constructive Fraud. against [ *All Defendants* or  *Insert  
Specific Defendants*: \_\_\_\_\_]

COUNT XXI- Negligent Misrepresentation. against [ *All Defendants* or  *Insert  
Specific Defendants*: \_\_\_\_\_]

COUNT XXII- Negligent Infliction Of Emotional Distress. against [ *All Defendants  
or*  *Insert Specific Defendants*: \_\_\_\_\_]

COUNT XXIII- Breach Of Express Warranty, against [ *All Defendants* or  *Insert  
Specific Defendants*: \_\_\_\_\_]

COUNT XXIV- Breach Of Implied Warranty, against [ *All Defendants* or  *Insert  
Specific Defendants*: \_\_\_\_\_]

COUNT XXV- Violation Of Consumer Protection Laws, against [ *All Defendants* or  
 *Insert Specific Defendants*: \_\_\_\_\_]

COUNT XXVI- Wrongful Death, against [ *All Defendants* or  *Insert  
Specific Defendants*: \_\_\_\_\_]

COUNT XXVII- Survival Action, against [ *All Defendants* or  *Insert*

*Specific Defendants:* \_\_\_\_\_]

**Additional General Counts by Plaintiffs of any State**

COUNT XXVIII- Gross Negligence, against [ *All Defendants* or  *Insert Specific Defendants:* \_\_\_\_\_]

COUNT XXIX- Unjust Enrichment, against [ *All Defendants* or  *Insert Specific Defendants:* \_\_\_\_\_]

COUNT XXX- Civil Conspiracy, against [ *All Defendants* or  *Insert Specific Defendants:* \_\_\_\_\_]

COUNT XXXI- Loss Of Consortium, against [ *All Defendants* or  *Insert Specific Defendants:* \_\_\_\_\_]

COUNT XXXII- Punitive Damages, against [ *All Defendants* or  *Insert Specific Defendants:* \_\_\_\_\_]

Plaintiff(s) allege the following additional cause(s) of action against [ *All Defendants* or  *Insert Specific Defendants:* \_\_\_\_\_]

\*If you include additional claims against an entity or entities other than the named Defendants, the facts supporting the additional count(s) must be specifically plead here, and the defendant(s) against whom they are alleged must be identified on a separate sheet of paper attached to this Short Form Complaint. Further, if you have included any additional theories of recovery, to the extent they require specificity in pleadings, the specific facts and allegations supporting those theories must be pleaded by the plaintiff(s) in a manner complying with the requirements of the New Jersey Rules of Court.

WHEREFORE, Plaintiff(s) request that the Court grant them the following relief against Defendants, jointly and severally, on all counts of this Short Form, including:

- (A) Money Damages representing fair, just and reasonable compensation for their respective common law and statutory claims;
- (B) Punitive and/or Treble Damages pursuant to state law;
- (C) Disgorgement of profits and restitution of all costs;
- (D) Attorneys' fees pursuant to state law;
- (E) Pre-judgment and post-judgment interest as authorized by law on the judgment which enter on Plaintiffs' behalf;
- (F) Costs of suit; and
- (G) Such other relief as is deemed just and appropriate.

**DEMAND FOR JURY TRIAL**

Plaintiff(s) hereby demand a trial by jury.

Dated:

By: \_\_\_\_\_

Attorney for Plaintiff

**CERTIFICATION PURSUANT TO RULE 4:5-1**

Plaintiff(s), upon information and belief, is not aware of any pending or contemplated action. Further, upon information and belief, plaintiff(s) is not aware of any other party who should be joined in this action.

Dated:

By: \_\_\_\_\_

Attorney for Plaintiff

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to R. 4:25-4, \_\_\_\_\_ is hereby designated as trial counsel in this matter.

Dated:

By: \_\_\_\_\_

Attorney for Plaintiff