

**WEITZ & LUXENBERG**  
*A New York Professional Corporation*  
51 Haddonfield Road, Suite 160  
Cherry Hill, New Jersey 08002  
Tel. (856) 488-9001

**FILED**

SEP 23 2002

JUDGE MARINA CORODEMUS

.....  
SERGIO MUNOZ,

Plaintiff,

v.

AMERICAN HOME PRODUCTS  
CORPORATION, ET. AL.,

Defendants.

: SUPERIOR COURT OF NEW JERSEY  
: LAW DIVISION  
: MIDDLESEX COUNTY  
:  
: DOCKET NO.: L-10425 - 01 MT  
:  
: CASE CODE: 264  
:  
: JURY TRIAL DEMANDED

**CONSENT ORDER TO AMEND CAPTION**

**THIS MATTER** having been opened to the Court by Franklin P. Solomon, Esquire, attorney for plaintiff, for an Order allowing plaintiffs to amend the caption of their Short-Form Complaint filed on February 4, 2002 pursuant to paragraph I.D. of Case Management Order #3 Regarding Master & Short Form Complaints entered by the Court on January 3, 2002 and for good cause having been shown,

IT IS on the 23rd day of September, 2002,

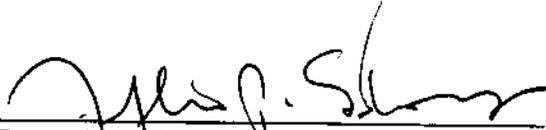
**ORDERED** that if defendants have filed an answer to the Short Form Complaint they shall not be required to file an Amended Answer to this Amended Short Form Complaint as defendants' original answer shall be treated as its Amended Answer, and it is further

**ORDERED** that plaintiff, Sergio Munoz, has leave of court to file his Amended Short-  
Form Complaint in the form attached hereto.

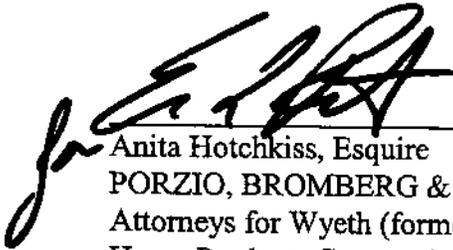
*Marina Corodemus*

Honorable Marina Corodemus, J.S.C.

**WE HEREBY CONSENT TO THE  
FORM AND ENTRY OF THIS ORDER:**



Franklin P. Solomon, Esquire  
WETZ & LUXENBERG  
Attorneys for Plaintiff



Anita Hotchkiss, Esquire  
PORZIO, BROMBERG & NEWMAN, P.C.  
Attorneys for Wyeth (formerly known as American  
Home Products Corporation) and its unincorporated  
division Wyeth Consumer Healthcare (formerly known  
as Whitehall-Robins Healthcare)



Superior Court of New Jersey, Law Division, Middlesex County before the Honorable Marina Corodemus, J.S.C.

Plaintiff selects and indicates by checking off the appropriate boxes, those products, parties and claims that are specific to her or his case. Where claims require, pursuant to New Jersey law, specific pleading or case specific facts and individual information, plaintiff shall add and include them herein.

2. Plaintiff, Sergio Munoz, is an individual who resides at 1402 17<sup>th</sup> Avenue, San Francisco in the State of California (hereinafter referred to as the Plaintiff). On or about October 6,2000, Plaintiff was injured as a result of ingesting PPA containing product(s).

2A. Plaintiff brings this action:

on behalf of himself or herself

\_\_\_\_\_ as the representative of \_\_\_\_\_.

\_\_\_\_\_ as the parent and guardian ad litem of \_\_\_\_\_, a minor born on \_\_\_\_\_.

\_\_\_\_\_ as the Administrator of the Estate of \_\_\_\_\_ Plaintiff's \_\_\_\_\_ (hereinafter "Decedent"; see Letters of Administration annexed hereto as Exhibit A), who died on \_\_\_\_\_.

2B. Plaintiff claims damages as a result of:

Personal Injury to herself, himself, or the person represented

\_\_\_\_\_ Wrongful Death

\_\_\_\_\_ Loss of Consortium (per quod)

\_\_\_\_\_ Loss of Services

Economic Loss

3. Plaintiff/Decedent purchased and/or otherwise obtained and ingested the following:

Robitussin CF

Contac

Alka Seltzer

Tavist-D

Dimetapp

Coricidin "D"

Accutrim

Dexatrim

Bayer Cough Syrup

Chlor-Trimeton Sinus Tablets

Comtrex

Dristan

Triaminic

Tylenol Cold Medicine

Vicks Day Quil Allergy Relief

Other (Please identify what "product" \_\_\_\_\_)

4. Plaintiff's spouse, \_\_\_\_\_ is an adult individual residing at \_\_\_\_\_ in the State of \_\_\_\_\_ (hereinafter referred to as "Spouse") and claims damages as a result of:

Loss of Consortium, date of marriage \_\_\_\_\_

Wrongful Death, date of death \_\_\_\_\_

5. The following entity(s) are named as defendants as a consequence of plaintiff having suffered harm as a result of having ingested products containing PPA which were

manufactured, promoted, distributed and/or sold by such defendant(s), and the allegations with regard thereto in the Master Complaint are herein adopted by reference:

(Check appropriate defendants)

- American Home Products Corporation
- Bayer Corporation
- Bristol-Myers Squibb Co.
- CCA Industries, Incorporated
- The Delaco Company, successor by merger to Thompson Medical Company, Inc.
- Eckerd Corporation
- Health and Nutrition Systems International Inc.
- Heritage Consumer Products, LLC
- Novartis Consumer Health Inc.
- Novartis Pharmaceuticals Corporation, f/k/a Sandoz Pharmaceuticals Corp.
- Perrigo Company
- The Proctor & Gamble Distributing Company
- Rite Aid of Pennsylvania Inc.
- Schering-Plough Healthcare Products Inc.
- SmithKlineBeecham Corp., d/b/a GlaxoSmithKline
- Teva Pharmaceuticals USA
- Walgreen Corp.
- Walgreen Eastern Co, Inc.
- We Pharmaceuticals, Inc.
- Whitehall-Robins Healthcare Division of American Home Products Corp.
- Wyeth-Ayerst Pharmaceuticals, Inc.
- Wyeth-Ayerst International Inc.

- Wyeth-Ayerst Laboratories Division of American Home Products Corp.
- Zee Medical Inc.
- John Does Drug Store 1-49
- Jane Does Manufacturers 50-99
- Jack Does Distributors 100-149
- Jim Does Marketers 150-199
- Joan Does Healthcare Providers 200-249
- Jake Does 250-299

6. The following claims asserted in the Master Complaint and the allegations with regard thereto in the Master Complaint are herein adopted by reference:

- Count I: Negligence
- Count II: Product Liability - Defective Design
- Count III: Product Liability - Failure to Warn
- Count IV: NJ Consumer Fraud Act (N.J.S.A. 56:8-1 *et seq.*)
- Count V: Breach of Implied Warranty
- Count VI: Breach of Express Warranty
- Count VII: Fraud and Misrepresentation
- Count VIII: Punitive Damages Under Common Law & Products Liability Act (N.J.S.A. 2A:C-1)
- Count IX: Wrongful Death
- Count X: Loss of Consortium
- Medical Malpractice

\*If you include a claim for medical malpractice, the facts supporting this count must be specifically pled by the plaintiff and the defendants against whom they are alleged must be

identified on a separate sheet of paper attached to the Complaint. In addition, all obligations pursuant to N.J.S.A. 2A:53A-27 or any other statute applicable thereto apply and must be adhered to.

\*If Count IV or VII are checked off, the facts supporting this (these) count(s) must be specifically pled by the plaintiff and the defendants against whom they are alleged must be identified on a separate sheet of paper attached to the Complaint.

Plaintiff asserts the following additional theories of recovery against the defendants identified herein: \_\_\_\_\_

If you have included any additional theories of recovery, to the extent they require specificity in pleadings, the specific facts and allegations supporting these theories must be pleaded by the plaintiff in a manner complying with the requirements of the New Jersey Rules of Court.

**DEMAND FOR JURY TRIAL**

Demand is hereby made for a trial by jury.

**WEITZ & LUXENBERG**  
*A New York Professional Corporation*  
Attorneys for Plaintiff

Dated: September 12, 2002

By:



Franklin P. Solomon  
51 Haddonfield Road, Suite 160  
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Paul Pennock  
180 Maiden Lane  
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Gen. (212) 558-5000  
Dir. (212) 558-5504  
Fax. (212) 363-2721

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

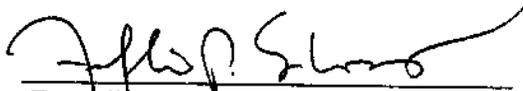
Plaintiff upon information and belief is not aware of any pending or contemplated action.

Further, upon information and belief, she/he is not aware of any other party who should be joined in this action.

**WEITZ & LUXENBERG**  
*A New York Professional Corporation*  
Attorneys for Plaintiff

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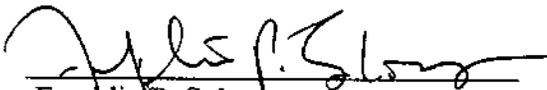
**DESIGNATION OF TRIAL COUNSEL**

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

**WEITZ & LUXENBERG**  
*A New York Professional Corporation*  
Attorneys for Plaintiff

Dated: September 12, 2002

By:



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