

[Plaintiff's Counsel Information]
Attorneys for the Plaintiffs

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

Plaintiff(s),

vs.

WYETH LLC, WYETH PHARMACEUTICALS, INC.,
INDIVIDUALLY AND d/b/a ESI LEDERLE, INC., WYETH,
INC., WYETH HOLDINGS CORPORATION,
INDIVIDUALLY AND d/b/a LEDERLE, SCHWARZ
PHARMA, INC., ALAVEN PHARMACEUTICAL LLC,
BAXTER HEALTHCARE CORPORATION,
WOCKHARDT, USA, MORTON GROVE
PHARMACEUTICALS, INC., TEVA
PHARMACEUTICALS USA, INC., GOLDLINE
LABORATORIES, Inc., INDIVIDUALLY AND D/B/A
IVAX PHARMACEUTICALS, 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., and GENERICS
BIDCO I., LLC., Individually and d/b/a QUALITEST
PHARMACEUTICALS, THE HARVARD DRUG GROUP
LLC, INDIVIDUALLY AND D/B/A MAJOR
PHARMACEUTICALS, 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 LABORATORIES, INC.
A/K/A RUGBY PHARMACEUTICALS, INC., ACTAVIS
ELIZABETH LLC, INDIVIDUALLY AND D/B/A

**IN RE: REGLAN
LITIGATION**

Case No. 289

DOCKET: ATL-L-_____

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

**JURY TRIAL
DEMANDED**

PUREPAC PHARMACEUTICALS, APP
PHARMACEUTICALS, LLC, INDIVIDUALLY AND D/B/A
ABRAXIS PHARMACEUTICALS, CORPORATION
SERVICE COMPANY, BEDFORD LABORATORIES,
HOSPIRA INC., IPCA PHARMACEUTICALS INC.,
MCKESSON CORPORATION, NORTHSTAR RX LLC,
RUGBY LABORATORIES, INC., NORBROOK INC. USA,
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., KING
PHARMACEUTICALS INC., Individually and d/b/a
ALPHARMA INC., f/k/a A.L. PHARMA Inc. and
ALPHARMA, INC. JANE DOE DISTRIBUTORS (1-50),
JOHN DOE DRUG COMPANY DEFENDANTS (1-50),
JANE DOE DRUG DISTRIBUTOR DEFENDANTS (1-50),
JIM DOE HEALTH CARE PROVIDERS (1-50), and JILL
DOE (1-50)

Defendants.

**AMENDED ABBREVIATED INDIVIDUAL COMPLAINT FOR REGLAN LITIGATION
AND ADOPTION BY REFERENCE**

1. Pursuant to Case Management Order No. 3 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 Short Amended 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’ Amended Master Long Form Complaint, filed November 15, 2010, contained in Paragraphs 1 through 421, 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[®]/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[®]/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[®] and/or generic metoclopramide product(s), as listed below, caused his/her injury(ies).

Product

Manufacturer

Diagnosis

- Extrapramidal symptoms (or EPS)
- Bucco-facial dyskinesia
- Tremor or essential tremor
- Neuroleptic Malignant Disorder
- Chorea
- 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 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.

- ALAVEN PHARMACEUTICAL LLC

- BAXTER HEALTHCARE CORPORATION

- WOCKHARDT USA

- MORTON GROVE PHARMACEUTICALS, INC.

- GOLDLINE LABORATORIES, INC., INDIVIDUALLY and D/B/A 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.

- TEVA PHARMACEUTICALS USA, INC.

- DURAMED PHARMACEUTICALS, INC.

- GENERICS BIDCO I., LLC., INDIVIDUALLY AND D/B/A QUALITEST PHARMACEUTICALS

- VINTAGE PHARMACEUTICALS, LLC

- 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.
- SMITH & NEPHEW INC.
- VISTAPHARM, INC.
- ROXANE LABORATORIES, INC.
- PAR PHARMACEUTICAL INC.

- ACURA PHARMACEUTICALS, INC., F/K/A HALSEY DRUG COMPANY

- PACO PHARMACEUTICAL SERVICES, INC.

- NORBROOK INC.

- SCHERING CORPORATION

- RANBAXY PHARMACEUTICALS, INC.

- IVAX PHARMACEUTICALS, INC.

- BRISTOL MEYERS SQUIBB CO., INDIVIDUALLY AND D/B/A APOTHECON, INC.

- APOTHECON, INC.

- INVAMED. INC.

- KING PHARMACEUTICALS INC., INDIVIDUALLY AND D/B/A ALPHARMA INC., F/K/A A.L. PHARMA INC.

- ALPHARMA INC.

- Other: _____

- Other: _____

7. Plaintiff(s) further adopt and incorporate by reference the following Claims for Relief asserted in the “Plaintiffs’ Long Form Master Complaint” filed October 14, 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 specifically

COUNT I - Conscious Misrepresentation Involving Risk Of Physical Harm, against Defendant Wyeth

COUNT II - Negligent Misrepresentation Involving Risk of Physical Harm, against Defendant Wyeth

New Jersey Specific Counts

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

_____]

COUNT IV - Failure To Warn, under N.J.S.A. 2A:58C-2.b, against [All Defendants or Insert Specific Defendants: _____]

COUNT V - 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 VI - Wrongful Death, under N.J.S.A. 2A: 31-1, *et seq.*, against [All Defendants or Insert Specific Defendants:

_____]

COUNT VII - Survival Action, under N.J.S.A. 2A: 15-3, against [All Defendants or Insert Specific Defendants:

_____]

COUNT VIII - 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 PLAINTIFFs 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 IX – Strict Liability, against [*All Defendants* or *Insert Specific Defendants*]: _____]

COUNT X – Negligence, against [*All Defendants* or *Insert Specific Defendants*]: _____]

COUNT XI- Negligence Per Se, against [*All Defendants* or *Insert Specific Defendants*]: _____]

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

COUNT XIII- Common Law Fraud, against [*All Defendants* or *Insert*

Specific Defendants: _____]

COUNT XIV- Fraudulent Concealment. against [*All Defendants* or *Insert*

Specific Defendants: _____]

COUNT XV- Constructive Fraud. against [*All Defendants* or *Insert*

Specific Defendants: _____]

COUNT XVI- Negligent Misrepresentation. against [*All Defendants* or *Insert*

Specific Defendants: _____]

COUNT XVII- Negligent Infliction Of Emotional Distress. against [*All Defendants*
or *Insert Specific Defendants:*

_____]

COUNT XVIII- Breach Of Express Warranty, against [*All Defendants* or *Insert*

Specific Defendants: _____]

COUNT XIX- Breach Of Implied Warranty, against [*All Defendants* or *Insert*

Specific Defendants: _____]

COUNT XX- Violation Of Consumer Protection Laws, against [*All Defendants* or
 Insert Specific Defendants:

_____]

COUNT XXI- Wrongful Death, against [*All Defendants* or *Insert*

Specific Defendants: _____]

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

Specific Defendants: _____]

Additional General Counts by Plaintiffs of any State

COUNT XXIII- Gross Negligence, against [*All Defendants* or *Insert*

Specific Defendants: _____]

COUNT XXIV- Unjust Enrichment, against [*All Defendants* or *Insert*

Specific Defendants: _____]

COUNT XXV- Civil Conspiracy, against [*All Defendants* or *Insert*

Specific Defendants: _____]

COUNT XXVI- Loss Of Consortium, against [*All Defendants* or *Insert*

Specific Defendants: _____]

COUNT XXVII- Punitive Damages, against [*All Defendants* or *Insert*

Specific Defendants: _____]

8. 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.

Plaintiff's counsel

Dated:

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.

Plaintiff's counsel

Dated:

DESIGNATION OF TRIAL COUNSEL

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

Plaintiff's counsel

Dated: