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) SUPERIOR COURT OF NEW JERSEY

) LAW DIVISION

) MIDDLESEX COUNTY

)

) DOCKET NO.

)

) Case Code Number: 264

)

)

)

) **ABBREVIATED SHORT FORM**

) **COMPLAINT FOR PPA LITIGATION**

)

) JURY TRIAL DEMANDED

Plaintiff,

v.

AMERICAN HOME PRODUCTS )

CORPORATION )

Five Giralda Farms )

Madison, NJ 07940 )

)

BAYER CORPORATION )

c/o CT Corporation )

1635 Market Street )

Philadelphia, PA 19103 )

)

BRISTOL-MYERS SQUIBB CO. )

345 Park Avenue )

New York, NY 10154 )

)

CCA INDUSTRIES, INCORPORATED )

200 Murray Hill Parkway )

East Rutherford, NJ 07073 )

)

THE DELACO COMPANY, successor by )

merger to Thompson Medical Company, Inc )

C/T Corporation )

1209 Orange Street )

Wilmington, DE 19801 )

)

ECKERD CORPORATION )

8333 Bryan Dairy Road )

Largo, FL 33777 )

)

)  
HEALTH AND NUTRITION SYSTEMS )  
INTERNATIONAL INC. )  
3750 Investment Lane )  
Suite 5 )  
West Palm Beach, FL 33404 )  
  
HERITAGE CONSUMER PRODUCTS, )  
LLC. )  
246 Federal Road, Suite CL-14 )  
Brookfield Commons )  
Brookfield, Connecticut )  
)  
NOVARTIS CONSUMER HEALTH, INC. )  
560 Morris Avenue )  
Summit, NJ 07901-1312 )  
)  
NOVARTIS PHARMACEUTICALS )  
CORPORATION, f/k/a Sandoz )  
Pharmaceuticals Corporation )  
Route 10 )  
East Hanover, NJ 07936 )  
)  
PERRIGO COMPANY )  
515 Eastern Avenue )  
Allegan, MI 49010 )  
)  
THE PROCTER & GAMBLE )  
DISTRIBUTING COMPANY )  
One Procter and Gamble Plaza )  
Cincinnati, OH 45202 )  
)  
RITE AID OF PENNSYLVANIA, INC. )  
30 Hunter Lane )  
Camp Hill, PA 17011 )  
)  
SCHERING-PLOUGH HEALTHCARE )  
PRODUCTS, INC. )  
3030 Jackson Street )  
Memphis, TN 38151 )  
)  
SMITHKLINE BEECHAM CORP. )  
d/b/a GlaxoSmithKline )

One Franklin Plaza )  
Philadelphia, PA 19105 )  
)  
TEVA PHARMACEUTICALS USA )  
1090 Horsham Road )  
P.O. Box 1090 )  
North Wales, PA 19454-1090 )  
)  
WALGREEN CO. )  
200 Wilmont Road )  
Deerfield, IL 60015 )  
)  
WALGREEN EASTERN CO., INC. )  
2704 Commerce Drive )  
Harrisburg, PA 17110 )  
)  
WE PHARMACEUTICALS, INC. )  
P.O. Box 1142 )  
Ramona, CA 92065 )  
)  
WHITEHALL-ROBINS HEALTHCARE )  
Division of AMERICAN HOME )  
PRODUCTS CORPORATION )  
Five Giralda Farms )  
Madison, NJ 07940 )  
)  
WYETH-AYERST )  
PHARMACEUTICALS INC. )  
555 East Lancaster Avenue )  
St. Davids, PA 19087 )  
)  
WYETH-AYERST )  
INTERNATIONAL INC. )  
319 Market Street )  
Harrisburg, PA 17101 )  
)  
WYETH-AYERST LABORATORIES )  
Division of AMERICAN HOME )  
PRODUCTS CORPORATION )  
555 E. Lancaster Avenue )  
St. David?s, PA 19087 )  
)  
ZEE MEDICAL, INC. )

22 Corporate Park )  
 Irvine, CA 92606 )  
 )  
 JOHN DOE STORES 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 )  
 )  
 Defendants. )

**ABBREVIATED INDIVIDUAL COMPLAINT FOR PPA  
 LITIGATION AND ADOPTION BY REFERENCE**

1. Plaintiff for her/his claim against the defendants states and alleges as follows and incorporates by reference the relevant portions of the Master Complaint on file entitled In re: New Jersey Superior Court PPA Litigation Case Code No.264, now pending in the 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, \_\_\_\_\_ is an individual who resides at \_\_\_\_\_ in the State of \_\_\_\_\_ (hereinafter referred to as the ?Plaintiff?). On or about \_\_\_\_\_ (date), 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? \_\_\_\_\_ )

1. 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.

Attorneys for Plaintiff

By:

Dated:

#### **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.

Attorneys for Plaintiff

By:

Dated:

**DESIGNATION OF TRIAL COUNSEL**

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

Attorneys for Plaintiff

By:

Dated: