IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

HELEN ROBINSON,	**CASE NO.** 3:13CV-1178-R
Plaintiff,	
v.	**COMPLAINT AND DEMAND FOR JURY TRIAL**
PFIZER INC.,	
SERVE: CT Corporation System	
306 West Main Street	
Suite 512	
Frankfort, KY 40601	
Defendant.	

The Plaintiff, Helen Robinson ("Plaintiff"), residing in Rineyville, Kentucky, by and through her undersigned attorneys, hereby sues the Defendant, Pfizer Inc. ("Defendant" or "Pfizer"), which has its principal place of business at 235 East 42nd Street, New York, New York 10017, and alleges as follows:

BACKGROUND

1. This is an action for damages suffered by Plaintiffs as a direct and proximate result of Defendant's negligent and wrongful conduct in connection with the design, development, manufacture, testing, packaging, promoting, marketing, distribution, labeling, and/or sale of LIPITOR (also known as ATORVASTATIN CALCIUM and at times referred to herein as "the subject product").

PARTIES

2. Plaintiff is a natural person and was at all relevant times a resident of Hardin County, Kentucky.

3. At all times herein mentioned, Defendant was and is a corporation existing under the laws of incorporation of the State of Delaware, with its principal place of business in New York, New York, and doing business within this judicial district.

4. At all times herein mentioned, Defendant Pfizer, in interstate commerce and in this judicial district, advertised, promoted, supplied, and sold to distributors and retailers for resale to physicians, hospitals, medical practitioners, and the general public a certain pharmaceutical product, LIPITOR.

JURISDICTION AND VENUE

5. This Court has jurisdiction over Defendant and this action pursuant to 28 U.S.C. § 1332 because there is complete diversity of citizenship between Plaintiffs and Defendant and because the amount in controversy between Plaintiffs and Defendant exceeds $75,000, exclusive of interest and cost, and because, among other reasons, Defendant has significant contacts with this district by virtue of doing business within this judicial district.

6. Venue is proper within this district pursuant to 28 U.S.C. § 1391 because Plaintiffs reside in this district and because a substantial part of the acts and/or omissions giving rise to these claims occurred within this district.

FACTUAL ALLEGATIONS

7. At all times herein mentioned, Defendant, by and through its agents, servants, and/or employees failed to adequately warn physicians and consumers, including Plaintiff Helen Robinson herein, of the risk of developing diabetes from LIPITOR.

8. LIPITOR is an HMG-CoA reductase inhibitor and a member of the drug class known as statins.

9. LIPITOR is prescribed to reduce the amount of cholesterol and other fatty substances in the blood.

10. Parke-Davis Pharmaceutical Research, a division of Warner-Lambert Company obtained approval from the Food and Drug Administration ("FDA") to market LIPITOR on December 17, 1996. Warner-Lambert entered into a co-marketing agreement with Pfizer to sell Lipitor, and thereafter those companies began distributing and selling Lipitor throughout the United States in 1997. On June 19, 2000, Pfizer acquired Warner-Lambert and all rights to Lipitor.

11. Despite its knowledge of data indicating that LIPITOR use is causally related to the development of type 2 diabetes and/or blood glucose levels diagnostic for type 2 diabetes, Pfizer promoted and marketed LIPITOR as safe and effective for persons such as Plaintiff Helen Robinson throughout the United States, including this judicial district.

12. On August 11, 2011, the Division of Metabolism and Endocrinology Products of the FDA requested that Defendant make labeling changes for Lipitor based upon the FDA's comprehensive review, including clinical trial data.

13. In February 2012, Pfizer complied with the FDA request and added the following language to its Warnings and Precautions Section: "Increases in HbA1c and fasting serum glucose levels have been reported with HMG-CoA reductase inhibitors, including LIPITOR."

14. Until the February 2012 change, LIPITOR's label had never warned patients of any potential relation between changes in blood sugar levels and taking LIPITOR.

15. Despite the February 2012 label change, LIPITOR's label continues to fail to warn consumers of the serious risk of developing type 2 diabetes per se when using LIPITOR.

16. At all times material hereto, Defendant knew or should have known that the risks of LIPITOR included the severe and life-threatening complications of type 2 diabetes.

17. At all times material hereto, Defendant, by and through its agents, servants, and/or employees, negligently, recklessly and/or carelessly marketed, distributed, and/or sold LIPITOR without adequate instructions or warnings of the drug's serious side effects and unreasonably dangerous risks.

18. Plaintiff Helen Robinson was prescribed LIPITOR and used it as directed from approximately 2008 until approximately August 2012.

19. Plaintiff Helen Robinson was prescribed LIPITOR to lower her levels of low-density lipoprotein ("LDL") and as a preventive measure to decrease her risk of developing cardiovascular disease ("CVD").

20. Plaintiff Helen Robinson agreed to initiate LIPITOR treatment in an effort to reduce her risk of developing heart disease. She relied on claims made by Pfizer that LIPITOR has been clinically shown to reduce the risk of developing heart disease.

21. Plaintiff Helen Robinson developed type 2 diabetes after initiating her LIPITOR treatment.

22. Plaintiff Helen Robinson was diagnosed with hyperglycemia in or around August 2012, and diagnosed with type 2 diabetes in or about December 2012. As a result, for the rest of her life she must undergo regular testing of her blood glucose levels, adhere to a restrictive diabetic diet, and take medication to control her diabetes. Due to her diabetes, she is now at markedly increased risk of heart disease, blindness, neuropathy, and kidney disease.

23. Had Defendant properly disclosed the risks associated with LIPITOR, Plaintiff Helen Robinson would have avoided the risk of diabetes by either not using LIPITOR at all or by

closely monitoring her blood glucose levels to see if the drug was adversely affecting her metabolism.

24. As alleged herein, as a direct, proximate, and legal result of Defendant's negligence and wrongful conduct, and the unreasonably dangerous and defective characteristics of the drug LIPITOR, Plaintiff Helen Robinson suffered severe and permanent physical and emotional injuries, including, but not limited to type 2 diabetes. Plaintiff Helen Robinson has endured pain and suffering, has suffered economic loss, including incurring significant expenses for medical care and treatment, and will continue to incur such expenses in the future. Plaintiffs seek actual and punitive damages from Defendant as alleged herein.

25. Plaintiff did not discover, nor did she have any reason to discover her diabetes was a result of her use of LIPITOR and/or the wrongful conduct of Defendant, as set forth herein, until within one year of the filing of this complaint

FIRST CAUSE OF ACTION
[Negligence]

26. Plaintiff repeats and re-alleges each and every allegation of this Complaint as if set forth in full in this cause of action.

27. Defendant Pfizer has engaged in the business of selling, distributing, supplying, manufacturing, marketing and/or promoting LIPITOR, and through that conduct has knowingly and intentionally placed LIPITOR into the stream of commerce with full knowledge that it reaches consumers such as Plaintiff Helen Robinson who ingested it.

28. Defendant did in fact sell, distribute, supply, manufacture, and/or promote LIPITOR to Plaintiff Helen Robinson and to her prescribing physicians. Additionally, Defendant expected the LIPITOR that it was selling, distributing, supplying, manufacturing, and/or promoting to reach – and LIPITOR did in fact reach – prescribing physicians and

consumers, including Plaintiff Helen Robinson and her prescribing physicians, without any substantial change in the condition of the product from when it was initially distributed by Defendant.

29. At all times material hereto, Defendant had a duty to exercise reasonable care to consumers, including Plaintiff Helen Robinson herein, in the design, development, manufacture, testing, inspection, packaging, promotion, marketing, distribution, labeling, and/or sale of LIPITOR.

30. At all relevant times to this action, Defendant Pfizer owed a duty to properly warn Plaintiff Helen Robinson, physicians, consumers, and the public of the risks, dangers and adverse side effects of LIPITOR, including the increased risk of diabetes, when the drug was used as intended or in a way that Defendant Pfizer could reasonably have anticipated.

31. Defendant breached its duty of reasonable care to Plaintiff Helen Robinson in that it negligently promoted, marketed, distributed, and labeled the subject product. Defendant failed to exercise reasonable care to warn of the dangerous side effect of developing diabetes from LIPITOR use, even though this side effect was known or reasonably scientifically knowable at the time of distribution.

32. Defendant knew or should have known that its failure to warn LIPITOR users of potential side effects could not have been discovered through the exercise of reasonable care and, in fact, was not discovered by Plaintiff Helen Robinson.

33. Defendant's negligence caused serious injury to Plaintiff Helen Robinson, who used LIPITOR in its intended and foreseeable manner.

34. Plaintiff Helen Robinson's injuries and damages alleged herein were and are the direct and proximate result of the carelessness and negligence of Defendant, including, but not limited to, one or more of the following particulars:

(a) In its design, development, research, manufacture, testing, packaging, promotion, marketing, sale, and/or distribution of the subject product;

(b) In its failure to warn or instruct, and/or adequately warn or adequately instruct, users of the subject product, including Plaintiff Helen Robinson herein, of LIPITOR's dangerous and defective characteristics;

(c) In its design, development, implementation, administration, supervision, and/or monitoring of clinical trials for the subject product;

(d) In its promotion of the subject product in an overly aggressive, deceitful, and fraudulent manner, despite evidence as to the product's defective and dangerous characteristics due to its propensity to cause diabetes;

(e) In representing that the subject product was safe for its intended use when, in fact, the product was unsafe for its intended use;

(f) In failing to perform appropriate pre-market testing of the subject product;

(g) In failing to perform appropriate post-market surveillance of the subject product;

(h) In failing to adequately and properly test LIPITOR before and after placing it on the market;

(i) In failing to conduct sufficient testing on LIPITOR which, if properly performed, would have shown that LIPITOR had the serious side effect of causing type 2 diabetes;

(j) In failing to adequately warn Plaintiff Helen Robinson and her healthcare providers that the use of LIPITOR carried a risk of developing type 2 diabetes and that patients' blood glucose should be closely monitored;

(k) In failing to provide adequate post-marketing warnings or instructions after Defendant knew or should have known of the significant risk of diabetes associated with the use of LIPITOR; and

(l) In failing to adequately and timely inform Plaintiff Helen Robinson and the healthcare industry of the risk of serious personal injury, namely diabetes, from LIPITOR ingestion as described herein.

35. Defendant knew or should have known that consumers, such as Plaintiff Helen Robinson herein, would foreseeably suffer injury as a result of Defendant's failure to exercise reasonable and ordinary care.

36. As a direct and proximate result of Defendant Pfizer's negligence, willful, wanton, and/or intentional acts, omissions, misrepresentations and/or otherwise culpable acts described herein. Plaintiff Helen Robinson suffered severe and permanent physical and emotional injuries, including, but not limited to, type 2 diabetes. Plaintiff Helen Robinson has endured pain and suffering, has suffered economic loss, including incurring significant expenses for medical care and treatment, and will continue to incur such expenses in the future. Plaintiff seeks actual and punitive damages from Defendant as alleged herein.

SECOND CAUSE OF ACTION
[Product Liability – Failure to Warn]

37. Plaintiff repeats and re-alleges each and every allegation of this Complaint as if set forth in full in this cause of action.

38. Defendant has engaged in the business of selling, distributing, supplying, manufacturing, marketing, and/or promoting LIPITOR, and through that conduct has knowingly and intentionally placed LIPITOR into the stream of commerce with full knowledge that it reaches consumers such as Plaintiff Helen Robinson who ingested it.

39. Defendant did in fact sell, distribute, supply, manufacture, and/or promote LIPITOR to Plaintiff Helen Robinson and to her prescribing physicians. Additionally, Defendant expected the LIPITOR that it was selling, distributing, supplying, manufacturing, and/or promoting to reach – and LIPITOR did in fact reach – prescribing physicians and consumers, including Plaintiff Helen Robinson and her prescribing physicians, without any substantial change in the condition of the product from when it was initially distributed by Defendant.

40. At all times herein mentioned, the aforesaid product was defective and unsafe in manufacture such that it was unreasonably dangerous to the user, and was so at the time it was distributed by Defendant and ingested by Plaintiff Helen Robinson. The defective condition of LIPITOR was due in part to the fact that it was not accompanied by proper warnings regarding the possible side effect of developing diabetes as a result of its use.

41. This defect caused serious injury to Plaintiff Helen Robinson, who used LIPITOR in its intended and foreseeable manner.

42. At all times herein mentioned, Defendant had a duty to properly design, manufacture, compound, test, inspect, package, label, distribute, market, examine, maintain supply, provide proper warnings, and take steps to assure that the product did not cause users to suffer from unreasonable and dangerous side effects.

43. Defendant so negligently and recklessly labeled, distributed, and promoted the aforesaid product that it was dangerous and unsafe for the use and purpose for which it was intended.

44. Defendant negligently and recklessly failed to warn of the nature and scope of the side effects associated with LIPITOR, namely diabetes.

45. Defendant was aware of the probable consequences of the aforesaid conduct. Despite the fact that Defendant knew or should have known that LIPITOR caused serious injuries, it failed to exercise reasonable care to warn of the dangerous side effect of developing diabetes from LIPITOR use, even though this side effect was known or reasonably scientifically knowable at the time of distribution. Defendant willfully and deliberately failed to avoid the consequences associated with its failure to warn, and in doing so, Defendant acted with a conscious disregard for the safety of Plaintiff Helen Robinson.

46. Plaintiff Helen Robinson could not have discovered any defect in the subject product through the exercise of reasonable care.

47. Defendant, as the manufacturer and/or distributor of the subject product, is held to the level of knowledge of an expert in the field.

48. Plaintiff Helen Robinson reasonably relied upon the skill, superior knowledge, and judgment of Defendant Pfizer.

49. Had Defendant properly disclosed the risks associated with LIPITOR, Plaintiff Helen Robinson would have avoided the risk of diabetes by either not using LIPITOR at all or by closely monitoring her blood glucose levels to see if the drug was adversely affecting her metabolism.

50. As a direct and proximate result of the carelessness, negligence, recklessness, and gross negligence of Defendant alleged herein, and in such other ways to be later shown, the subject product caused Plaintiff Helen Robinson to sustain injuries as herein alleged. Plaintiff Helen Robinson has endured pain and suffering, has suffered economic loss, including incurring significant expenses for medical care and treatment, and will continue to incur such expenses in the future. Plaintiff seeks actual and punitive damages from Defendant as alleged herein.

THIRD CAUSE OF ACTION
[Breach of Implied Warranty]

51. Plaintiff repeats and re-alleges each and every allegation of this Complaint as if set forth in full in this cause of action.

52. At all times mentioned herein, Defendant manufactured, compounded, packaged, distributed, recommended, merchandised, advertised, promoted, supplied, and sold LIPITOR, and prior to the time that it was prescribed to Plaintiff Helen Robinson, Defendant impliedly warranted to Plaintiff Helen Robinson that the subject product was of merchantable quality and safe and fit for the use for which it was intended

53. The drug was expected to reach and did in fact reach consumers, including Plaintiff Helen Robinson without substantial change in the condition in which it was manufactured and sold by Defendant Pfizer.

54. In reliance upon Defendant Pfizer's implied warranty, Plaintiff Helen Robinson used LIPITOR as prescribed and in the foreseeable manner normally intended, recommended, promoted, and marketed by Defendant Pfizer.

55. Contrary to the implied warranty for the subject product, LIPITOR was not of merchantable quality, and it was neither safe nor fit for its intended uses and purposes, as alleged herein

56. As a direct and proximate result of Defendant's breach of implied warranty, Plaintiff Helen Robinson suffered severe and permanent physical and emotional injuries, including, but not limited to, type 2 diabetes. Plaintiff Helen Robinson has endured pain and suffering, has suffered economic loss, including incurring significant expenses for medical care and treatment, and will continue to incur such expenses in the future. Plaintiff seeks actual and punitive damages from Defendant as alleged herein.

FOURTH CAUSE OF ACTION
[Fraud]

57. Plaintiff repeats and re-alleges each and every allegation of this Complaint as if set forth in full in this cause of action.

58. Defendant misrepresented to Plaintiff Helen Robinson, her prescribing physicians, and the healthcare industry the safety and effectiveness of LIPITOR and/or fraudulently, intentionally, and/or negligently concealed material information, including adverse information, regarding the safety and effectiveness of LIPITOR.

59. Defendant made misrepresentations and actively concealed adverse information when Defendant knew, or should have known, that LIPITOR had defects, dangers, and characteristics that were other than what Defendant had represented to Plaintiff Helen Robinson and the healthcare industry generally. Specifically, Defendant actively concealed from Plaintiff Helen Robinson, her prescribing physicians, the health care industry, and the consuming public that:

(a) Since at least 1996 Defendant and/or its predecessors were in possession of data demonstrating that LIPITOR increases the risk of type 2 diabetes and the risk of increased blood glucose to levels diagnostic for type 2 diabetes;

(b) There had been insufficient studies by Defendant and/or its predecessors regarding the safety and efficacy of LIPITOR in women before and after its product launch;

(c) LIPITOR was not fully and adequately tested by Defendant and/or its predecessor for the risk of developing type 2 diabetes; and

(d) Testing and studies by other entities as reported in the scientific literature has shown that the use of LIPITOR increases the risk of type 2 diabetes.

60. These misrepresentations and/or active concealment alleged were perpetuated directly and/or indirectly by Defendant.

61. Defendant knew or should have known that these representations were false, and it made the representations with the intent or purpose of deceiving Plaintiff Helen Robinson, her prescribing physicians, and the healthcare industry.

62. Defendant made these false representations with the intent or purpose that Plaintiff Helen Robinson, her prescribing physicians, and the healthcare industry would rely on them, leading to the use of LIPITOR by Plaintiff Helen Robinson as well as the general public.

63. At all times herein mentioned, neither Plaintiff Helen Robinson nor her physicians were aware of the falsity of the statements being made by Defendant and believed them to be true. Had they been aware of said facts, her physicians would not have prescribed and Plaintiff Helen Robinson would not have utilized the subject product.

64. Plaintiff Helen Robinson justifiably relied on and/or was induced by Defendant's misrepresentations and/or active concealment and relied on the absence of safety information which Defendant did suppress, conceal, or fail to disclose to Plaintiff Helen Robinson's detriment.

65. Defendant had a post-sale duty to warn Plaintiff Helen Robinson, her prescribing physicians, and the general public about the potential risks and complications associated with LIPITOR in a timely manner.

66. Defendant made the representations and actively concealed information about the defects and dangers of LIPITOR with the intent and specific desire that Plaintiff Helen Robinson's prescribing physicians and the consuming public would rely on such information, or the absence of information, in selecting LIPITOR as a treatment.

67. As a result of the concealment and/or suppression of the facts set forth above, Plaintiff Helen Robinson ingested LIPITOR and suffered injuries as set forth herein.

FIFTH CAUSE OF ACTION
[Fraudulent Concealment]

68. Plaintiff repeats and re-alleges each and every allegation of this Complaint as if set forth in full in this cause of action.

69. Defendant Pfizer fraudulently concealed information with respect to LIPITOR in the following particulars:

(a) Defendant Pfizer fraudulently withheld and concealed information about the substantial risk of developing type 2 diabetes associated with using LIPITOR; and

(b) Defendant Pfizer represented through its labeling, advertising, marketing materials, seminar presentations, publications, notice letters, and regulatory submissions that LIPITOR was safe.

70. Defendant Pfizer had sole access to material facts concerning the dangers and unreasonable risks of LIPITOR.

71. Defendant Pfizer omitted, suppressed, and/or concealed material facts concerning

the dangers and risk of injuries associated with the use of LIPITOR, namely diabetes.

72. Defendant Pfizer's purpose was willfully blind to, ignored, downplayed, avoided, and/or otherwise understated the serious nature of the risks associated with the use of LIPITOR in order to increase sales.

73. The concealment of information by Defendant Pfizer about the risk of developing diabetes associated with LIPITOR was intentional.

74. Plaintiff Helen Robinson and her physicians were unaware of the substantial risk of developing diabetes associated with and caused by LIPITOR which Defendant Pfizer concealed from them.

75. Had they known the truth, Plaintiff Helen Robinson's doctors would not have prescribed, and Plaintiff Helen Robinson would not have ingested, LIPITOR.

76. As a direct and proximate consequence of Defendant Pfizer's fraudulent concealment, Plaintiff sustained injuries and damages alleged herein.

SIXTH CAUSE OF ACTION
[Unjust Enrichment]

77. Plaintiff repeats and re-alleges each and every allegation of this Complaint as if set forth in full in this cause of action.

78. Plaintiff Helen Robinson conferred a benefit on Defendant by purchasing LIPITOR.

79. Defendant Pfizer has profited and benefited from the purchase and use of LIPITOR by Plaintiff Helen Robinson as was the intended and expected result of Defendant Pfizer's conscious wrongdoing.

80. Defendant Pfizer has voluntarily accepted and retained those profits and benefits, derived from Plaintiff Helen Robinson, with full knowledge and awareness that, as a result of

Defendant Pfizer's fraud and other conscious and intentional wrongdoing, Plaintiff Helen Robinson was not receiving a product of the quality, nature, or fitness that had been represented by Defendant Pfizer, or that Plaintiff Helen Robinson, as a reasonable consumer, expected to receive.

81. It would be inequitable for Defendant to retain this money because Plaintiff Helen Robinson did not, in fact, receive a safe and efficacious drug.

82. By virtue of the conscious wrongdoing alleged above, Defendant Pfizer has been unjustly enriched at the expense of Plaintiff Helen Robinson, who is entitled in equity, and hereby seeks the disgorgement and restitution of Defendant Pfizer's wrongful profits, revenues and benefits, to the extent and in the amount deemed appropriate by the Court; and such other relief as the Court deems just and proper to remedy Defendant Pfizer's unjust enrichment.

SEVENTH CAUSE OF ACTION
[Punitive Damages]

83. Plaintiff repeats and re-alleges each and every allegation of this Complaint as if set forth in full in this cause of action.

84. At all times material hereto, Defendant knew or should have known that LIPITOR was inherently dangerous with respect to the risk of diabetes.

85. At all times material hereto, Defendant attempted to misrepresent and did misrepresent facts concerning the safety of LIPITOR.

86. Defendant's misrepresentations included knowingly withholding material information from the medical community and the public, including Plaintiff Helen Robinson, concerning the safety of the subject product.

87. At all times material hereto, Defendant knew and recklessly disregarded the fact that LIPITOR causes the chronic illness diabetes.

88. Notwithstanding the foregoing, Defendant continued to aggressively market the subject product to consumers, including Plaintiff Helen Robinson herein, without disclosing the aforesaid side effect.

89. Defendant knew of the subject product's lack of warnings regarding the risk of diabetes, but it intentionally concealed and/or recklessly failed to disclose that risk and continued to market, distribute, and sell LIPITOR without said warnings so as to maximize sales and profits at the expense of the health and safety of the public, including Plaintiff Helen Robinson herein, in conscious and/or negligent disregard of the foreseeable harm caused by LIPITOR.

90. Defendant's intentional and/or reckless failure to disclose information deprived Plaintiff Helen Robinson of necessary information to enable her to weigh the true risks of using LIPITOR against its benefits.

91. As a direct and proximate result of Defendant's willful, wanton, careless, reckless, conscious, and deliberate disregard for the rights and safety of its consumers, Plaintiff Helen Robinson suffered severe and permanent physical and emotional injuries, including, but not limited to, type 2 diabetes. Plaintiff Helen Robinson has endured pain and suffering, has suffered economic loss, including incurring significant expenses for medical care and treatment, and will continue to incur such expenses in the future. Plaintiff Helen Robinson's injuries and damages are permanent and will continue into the future.

92. Defendant's aforesaid conduct was committed with knowing, conscious, careless, reckless, willful, wanton, and deliberate disregard for the rights and safety of consumers, including Plaintiff Helen Robinson, thereby entitling Plaintiff to punitive damages in an amount appropriate to punish Defendant and deter it from similar conduct in the future.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief and judgment against Defendant as follows:

(a) For general damages in a sum in excess of the jurisdictional minimum of this Court;

(b) For medical, incidental, and hospital expenses according to proof;

(c) For pre-judgment and post-judgment interest as provided by law;

(d) For full refund of all purchase costs Plaintiff Helen Robinson paid for LIPITOR;

(e) For compensatory damages in excess of the jurisdictional minimum of this Court;

(f) For consequential damages in excess of the jurisdictional minimum of this Court;

(g) For punitive damages in an amount in excess of any jurisdictional minimum of this Court and in an amount sufficient to impress upon Defendant the seriousness of its conduct and to deter similar conduct in the future;

(h) For attorneys' fees, expenses, and costs of this action; and

(i) For such further relief as this Court deems necessary, just, and proper.

DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury on all counts and as to all issues.

Respectfully submitted,

By: **/s/Ronald E. Johnson, Jr.**
Schachter Hendy & Johnson, PSC
909 Wright's Summit Parkway, Ste. 210

Ft. Wright, KY 41011
Telephone: (859) 578-4444
Facsimile: (859) 578-4440

By: **/s/ Matthew R. Lopez**
RAMON ROSSI LOPEZ, CA Bar No.
rlopez@lopezmchugh.com
(*Pro Hac Vice* application anticipated)
MATTHEW RAMON LOPEZ, CA Bar No.
mlopez@lopezmchugh.com
(*Pro Hac Vice* application anticipated)
Lopez McHugh LLP
100 Bayview Circle, Suite 5600
Newport Beach, CA 92660
Telephone: (949) 737-1501
Facsimile: (949) 737-1504

ATTORNEYS FOR PLAINTIFFS

December 5, 2013

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

Helen Robinson

(b) County of Residence of First Listed Plaintiff Hardin County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Ronald E. Johnson, Jr.
Schachter Hendy & Johnson, PSC
909 Wright's Summit Parkway, Ste.# 210 Ft. Wright, KY 41011

DEFENDANTS

Pfizer, Inc.

County of Residence of First Listed Defendant New York County
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ❒ 1 U.S. Government Plaintiff
- ❒ 3 Federal Question *(U.S. Government Not a Party)*
- ❒ 2 U.S. Government Defendant
- ☒ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☒ 1	❒ 1	Incorporated *or* Principal Place of Business In This State	❒ 4	❒ 4
Citizen of Another State	❒ 2	❒ 2	Incorporated *and* Principal Place of Business In Another State	❒ 5	☒ 5
Citizen or Subject of a Foreign Country	❒ 3	❒ 3	Foreign Nation	❒ 6	❒ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

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- ❒ 310 Airplane
- ❒ 315 Airplane Product Liability
- ❒ 320 Assault, Libel & Slander
- ❒ 330 Federal Employers' Liability
- ❒ 340 Marine
- ❒ 345 Marine Product Liability
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- ❒ 355 Motor Vehicle Product Liability
- ❒ 360 Other Personal Injury
- ❒ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
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- ❒ 862 Black Lung (923)
- ❒ 863 DIWC/DIWW (405(g))
- ❒ 864 SSID Title XVI
- ❒ 865 RSI (405(g))

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V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding ❒ 2 Removed from State Court ❒ 3 Remanded from Appellate Court ❒ 4 Reinstated or Reopened ❒ 5 Transferred from Another District *(specify)* ❒ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing ***(Do not cite jurisdictional statutes unless diversity)***:
28 USC 1332

Brief description of cause:
This is a products liability cause of action based on the Plaintiff's use of Defendant's product, Lipitor.

VII. REQUESTED IN COMPLAINT:

❒ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ❒ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE
12/05/2015

SIGNATURE OF ATTORNEY OF RECORD
/s/Ronald E. Johnson, Jr.

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below**; NOTE: federal question actions take precedence over diversity cases.**)

III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. **Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. **Origin.** Place an "X" in one of the six boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service

VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.