

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

Kathleen M. Harris,	*	
Plaintiff	*	
	*	
versus	*	COMPLAINT and
	*	DEMAND FOR
MERCK & CO, INC., SCHERING-	*	JURY TRIAL
PLOUGH CORPORATION, and	*	
MERCK/SCHERING-PLOUGH	*	
PHARMACEUTICALS, LUPIN	*	
PHARMACEUTICALS, INC., TEVA	*	
PHARMACEUTICALS, INC., DR.	*	
REDDY'S LABORATORIES, INC.,	*	
RANBAXY LABORATORIES, INC.	*	
Defendants	*	

PLAINTIFF'S ORIGINAL COMPLAINT

PARTIES

1. Plaintiff, Kathleen M. Harris (hereinafter "Plaintiff") is an individual and citizen and resident of Pineville, Rapides Parish, Louisiana.
2. At all times relevant herein, Defendant, Merck & Company, Inc (hereinafter "Merck" or "Defendant") is a corporation organized and existing under the laws of the State of New Jersey, and maintains a principal place of business in New Jersey. Merck maintains its headquarters at One Merck Drive, Whitehouse Station, NJ 08889.
3. Upon information and belief, at all times relevant herein, Defendant, Lupin

Pharmaceuticals, Inc. (hereinafter “Lupin”) is a corporation organized and existing under the laws of the State of Delaware, and maintains a principal place of business at Harborplace Tower, 111 S. Calvert Street, Baltimore, Maryland 21202.

4. Upon information and belief, at all times relevant herein, Defendant, Teva Pharmaceuticals, Inc. (hereinafter “Teva”) is a corporation organized and existing under the laws of the State of Delaware, and maintains a principal place of business at 1090 Horsham Road, North Wales, Pennsylvania 19454.
5. Upon information and belief, at all times relevant herein, Defendant, Dr. Reddy’s Laboratories, Inc. (hereinafter “Reddy”) is a corporation organized and existing under the laws of the State of New Jersey, and maintains a principal place of business at 200 Somerset Corp. Blvd., Bridgewater, New Jersey 08807.
6. Upon information and belief, at all times relevant herein, Defendant, Ranbaxy Laboratories, Inc. (hereinafter “Ranbaxy”) is a corporation organized and existing under the laws of the State of Delaware, and maintains a principal place of business at 600 College Road East, Suite 2100, Princeton, New Jersey 08540.
7. At all material times herein, Defendants were, and are, in the business of profiting from the design, manufacture, marketing, distribution and/or sale of the brand-name prescription drug Zocor, or its generic version, simvastatin.
8. At times relevant and material hereto, Defendants have sold, distributed and marketed

either directly or indirectly through third-parties or related entities, the pharmaceutical drugs Zocor or simvastatin in the State of Louisiana.

JURISDICTIONAL STATEMENT

9. This Court has jurisdiction pursuant to 42 U.S.C. sec. 1332. Plaintiff hereby avers that the amount in controversy in the above captioned matter exceeds the jurisdictional limits and that said controversy arises between citizens of different states as is required by the aforementioned state in order to invoke the “Diversity of Citizenship” Jurisdiction of this Court.
10. Venue is proper as Plaintiff is a Louisiana resident, her claims and causes of action arose in this judicial district, and a substantial part of the events giving rise to the Plaintiff’s claims occurred in this judicial district.
11. At all times relevant and material hereto, Defendant has conducted continuous and substantial business in the State of Louisiana.
12. At all times relevant and material hereto, the Defendant acted and gained knowledge itself and by and through its various agents, servants, employees, and/or ostensible agents.
13. As more particularly pleaded below, Plaintiff maintains that the pharmaceutical drug, Zocor, is defective, dangerous to human health, unfit and unsuitable to be marketed and sold in commerce, and lacked proper warnings as to the dangers associated with its use.
14. At all relevant times, defendant Merck was in the business of developing, researching,

selling, distributing, designing, manufacturing, testing, evaluating, licensing, labeling and/or marketing, either directly or indirectly through third parties or related entities, pharmaceutical drugs including Zocor.

15. At all relevant times, Defendant Merck did in fact develop, research, sell, distribute, design, manufacture, test, evaluate, license, label, and/or market, either directly or indirectly through third parties or related entities, pharmaceutical drugs including Zocor.
16. Merck obtained FDA approval on Zocor 80 mg in approximately 1998 and began its distribution and sale through the United States thereafter. Zocor is the brand name used by Merck to market and distribute simvastatin.
17. Defendant Merck concealed the serious risks associated with Zocor, Merck's highest selling drug, prior to losing the patent protection and therefore was viewed as critical for Merck's profitability. Safety concerns over Zocor developed such as myopathy, including a rare form called rhabdomyolysis, which dramatically impacted Merck's sales.
18. Merck knowingly chose to market this product, despite its knowledge at product launch and its post-marketing data thereafter that use of Zocor carries significant risk factors. These adverse effects were revealed in a press release from the Food and Drug Administration (hereinafter "FDA") on March 19, 2010. The FDA press release was based upon information derived from clinical trials, observational studies, adverse event reports, and prescription use data. The FDA also used data from the SEARCH (Study of

the Effectiveness of Additional Reductions in Cholesterol and Homocysteine).

19. Plaintiff was prescribed, and took as directed, Defendants' drug Zocor or simvastatin for cholesterol from approximately August 2001 until January 2012.
20. As a direct and proximate result of the liability-producing conduct of Defendants and the defective and unreasonably dangerous condition of their product Zocor or simvastatin, the Plaintiff suffered physical injury and damage, including but not limited to muscle and kidney problems.
21. As a direct and proximate result of the liability-producing conduct of Defendants and the defective and unreasonably dangerous condition of their products Zocor or simvastatin, Plaintiff has in the past and will in the future experience physical injuries, pain and suffering, loss of enjoyment of life, lost wages, lost earning capacity, medical expenses, medical monitoring expenses, embarrassment and humiliation, fright and apprehension, emotional distress and other damages all of which are believed to be permanent.
22. Zocor is the brand name of simvastatin, a cholesterol lowering medication.
23. On March 19, 2010 the FDA issued a press release warning patients and healthcare providers of a greater risk of developing muscle injury, including rhabdomyolysis, for patients as they are prescribed higher doses (specifically 80 mg).
24. The SEARCH trial results revealed that more patients in the simvastatin 80 mg group developed myopathy compared to patients in the simvastatin 20 mg group. The

preliminary data showed that 11% of patients taking 80 mg developed rhabdomyolysis as compared to no patients in the 20 mg group.

25. In June 2011, the FDA approved a label change for simvastatin based upon the aforementioned results.
26. As previously noted, Merck had a significant market share based upon claims of Zocor's efficacy, a very aggressive marketing program which included financial incentives to sales teams, infusion of numerous sales representatives and massive direct-to-consumer advertising and physician sampling program.
27. As a result of such marketing, Zocor gained a significant market share in competition with other cholesterol lowering medications, that Merck would not have gained if Merck had not suppressed information about Zocor and/or made false representations of Zocor's superiority and efficacy.
28. If Merck had not engaged in this conduct, prescribers such as Plaintiff's prescriber would not have prescribed Zocor in patients, such as the Plaintiff, and would have switched from Zocor to safer products, or would have refrained wholly from any use of Zocor.
29. From approximately 1998 through the present, Merck continued to engage in a common scheme in marketing, distributing and/or selling Zocor under the guise that it was safe and efficacious for persons such as Plaintiff before, during and after Plaintiff developed kidney problems.

30. Plaintiff alleges that the suppression of this information constituted a common scheme by Merck to conceal material information from Plaintiff.
31. The actions of Defendants in failing to warn of the clear and present danger posed to others by the use of their drugs Zocor or simvastatin in suppressing evidence relating to this danger, and in making deliberate and misleading misrepresentations of fact to minimize the danger or to mislead prescribers and patients as to the true risk, constitutes such clear, blatant and outrageous conduct as to warrant the imposition of exemplary damages against Defendants.

FIRST CAUSE OF ACTION

32. Defendants are liable unto Plaintiff under the Louisiana Products Liability Act, R.S. 9:2800.51, *et seq.*, as Plaintiff's damages were proximately caused by the acts and/or omissions of defendants in the following particulars:
 1. Providing a product that was unreasonably dangerous in construction or composition;
 2. Providing a product that was unreasonably dangerous in design;
 3. Providing a product that was unreasonably dangerous because of inadequate warning about the product;
 4. Providing a product that was unreasonably dangerous because of nonconformity to express warranties.
29. Defendants knew, or should have known, that at the time their products left their control,

the design, nature and danger of the products' characteristics could cause Plaintiff's damage. Furthermore, defendants knew or should have known of the design, nature, and danger of the products' characteristics, but failed to inform the public and foreseeable users.

SECOND CAUSE OF ACTION

30. Defendants are by operation of law presumed to know that their products contained redhibitory defects which they failed to declare, so that defendants are further liable unto Plaintiffs under Articles 2520 *et seq.* of the Louisiana Civil Code. Such liability includes return of the purchase price, damages, including, but not limited to, mental anguish, and attorney's fees pursuant to Article 2545 of the Louisiana Civil Code and the presumption contained therein.
31. Separate and apart from, and in the alternative to, their status as manufacturers of their products, defendants entered into a contract of sales with Plaintiff as a result of Plaintiff's purchase of their products.

THIRD CAUSE OF ACTION

32. As a result of their breach of conventional obligations, defendants are obligors in bad faith per Articles 1994 and 1997 of the Louisiana Civil Code and liable unto Plaintiffs for all damages, foreseeable or not, that are a direct consequence of defendants' failure to perform, including, but not limited to, damages for pecuniary and non-pecuniary loss.

FOURTH CAUSE OF ACTION

33. Defendants, in the alternative, are liable unto Plaintiff under Article 2298 of the Louisiana Civil Code in that defendants were unjustly enriched without cause at the expense of the Plaintiff.

FIFTH CAUSE OF ACTION

34. Defendants have engaged in unfair or deceptive acts in violation of the Louisiana Unfair Trade Practices Act, LSA-R.S. 51:1401 *et seq.*, warranting the imposition of damages and attorneys' fees.

SIXTH CAUSE OF ACTION

35. To the extent that the evidence establishes that defendants have engaged in intentional misrepresentations, delictual fraud or have violated Art. 1953 of the Louisiana Civil Code, Defendants are liable unto Plaintiff for the imposition of damages and attorneys' fees.

SEVENTH CAUSE OF ACTION

36. Alternatively, defendants are liable unto Plaintiff under a theory of negligent misrepresentation. Specifically, defendants, because of their research and testing, assumed a duty to insure that the information they provided to physicians and hospitals about their products was accurate, correct and complete. However, because of lack of reasonable care or lack of skill or competence, defendants misrepresented that information causing physical injury and economic loss to Plaintiffs, who were intended

users of the products who relied upon the representations, to their detriment. Defendants owed a duty to Plaintiff because of defendants' knowledge that the ultimate purpose of their misrepresentations was to facilitate the sale of their products to users like Plaintiffs. Defendants knew that Plaintiff would receive those misrepresentations through physicians and hospitals who would channel defendants' products to users like Plaintiff.

EIGHT CAUSE OF ACTION

37. Defendants are liable unto Plaintiff for negligent infliction of emotional distress.
38. As the proximate result of the aforementioned acts and/or omissions of defendants, Plaintiff has sustained, or are certain to sustain, the following damages:
 1. Past and future loss of earnings;
 2. Past and future medical expenses;
 3. Nursing and rehabilitative care expenses;
 4. Loss of earning capacity;
 5. Past and future pain and suffering;
 6. Past and future mental anguish;
 7. Fear of future injury;
 8. Permanent disability;
 9. Loss of enjoyment of life.
39. Plaintiff pleads the doctrine of *res ipsa loquitur*.

40. Defendants acted together in concert in their actions, such that each is jointly liable for the acts of the other. Defendants shared many of the same officers and directors and made decisions in a uniform voice. Defendants and their subsidiaries had a complete unity of interest and control. Their objectives were common, not disparate, and their general corporate actions were guided or determined not by separate corporate consciousness, but by one.
41. Defendants are liable as solidary obligors under Article 1800 and 2324(A) of the Louisiana Civil Code.
42. The Complaint is filed within one (1) year of when Plaintiff first learned of a defect in defendants' products and the causal link between her injury and a defect in defendants' products. Plaintiff asserts the doctrine of *contra non valentem*.
43. Plaintiff requests and is entitled to trial by jury on all issues against all defendants.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgement against Defendants, as follows:

- a. Awarding actual damages to the Plaintiff incidental to his purchase and use of Zocor or simvastatin in an amount to be determined at trial as well as medical monitoring;
- b. Awarding pre-judgement and post-judgement interest to the Plaintiff;
- c. Awarding the costs and the expenses of this litigation to the Plaintiff;

- d. Awarding reasonable attorneys' fees and costs to the Plaintiff as provided by law;
and
- e. Granting all such other relief as the Court deems necessary, just and proper.

DEMAND FOR JURY TRIAL

The plaintiff hereby demands a trial by jury on all counts and as to all issues.

Respectfully submitted:

Michael Hingle & Associates, LLC

Date: June 1, 2012

/s/ Michael Hingle
Michael Hingle, #6943
Bryan A. Pfleeger, #23896
220 Gause Boulevard
Slidell, Louisiana 70458
Telephone: (985) 641-6800
Fax: (985) 646-1471

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 THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Kathleen M. Harris

DEFENDANTS

Merck & Co., Inc., et al.

(b) County of Residence of First Listed Plaintiff Rapides

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____

(IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Michael Hingle & Associates, LLC

220 Gause Blvd., Slidell, LA 70458

(985) 641-6800

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

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

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|--|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 660 Occupational Safety/Health	SOCIAL SECURITY	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	LABOR	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 195 Contract Product Liability	PRISONER PETITIONS	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	<input type="checkbox"/> 740 Railway Labor Act	FEDERAL TAX SUITS	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 444 Welfare	IMMIGRATION		<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 462 Naturalization Application		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 465 Other Immigration Actions		<input type="checkbox"/> 950 Constitutionality of State Statutes

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
- ☐ 7 Appeal to District Judge from Magistrate Judgment

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:

VII. REQUESTED IN COMPLAINT:☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23DEMAND \$ >\$75,000

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

06/01/2012

/s/ Michael Hingle

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.C.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; 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 clerks 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 seven 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.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

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 dollar amount (in thousands of dollars) 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.

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Louisiana

Kathleen M. Harris

Plaintiff

v.

Merck & Co., Inc., et al.

Defendant

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)
)
)
)
)
)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Lupin Pharmaceuticals, Inc.
Harborplace Tower
111 S. Calvert Street
Baltimore, MD 21202

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael Hingle
Michael Hingle & Associates, LLC
220 Gause Boulevard
Slidell, Louisiana 70458

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Louisiana

Kathleen M. Harris

Plaintiff

v.

Merck & Co., Inc., et al.

Defendant

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Merck & Co., Inc.
One Merck Drive
Whitehouse Station, New Jersey 08889

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael Hingle
Michael Hingle & Associates, LLC
220 Gause Boulevard
Slidell, Louisiana 70458

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Louisiana

Kathleen M. Harris

Plaintiff

v.

Merck & Co., Inc., et al.

Defendant

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (*Defendant's name and address*) Merck/Schering-Plough Pharmaceuticals
One Merck Drive
Whitehouse Station, New Jersey 08889

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael Hingle
Michael Hingle & Associates, LLC
220 Gause Boulevard
Slidell, Louisiana 70458

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Louisiana

Kathleen M. Harris

Plaintiff

v.

Merck & Co., Inc., et al.

Defendant

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Ranbaxy Laboratories, Inc.
600 College Road East
Suite 2100
Princeton, NJ 08540

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael Hingle
Michael Hingle & Associates, LLC
220 Gause Boulevard
Slidell, Louisiana 70458

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Louisiana

Kathleen M. Harris

Plaintiff

v.

Merck & Co., Inc., et al.

Defendant

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (*Defendant's name and address*) Dr. Reddy's Laboratories, Inc.
200 Somerset Corp. Blvd.
Bridgewater, NJ 08807

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael Hingle
Michael Hingle & Associates, LLC
220 Gause Boulevard
Slidell, Louisiana 70458

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Louisiana

Kathleen M. Harris

Plaintiff

v.

Merck & Co., Inc., et al.

Defendant

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Schering-Plough Corporation
One Merck Drive
Whitehouse Station, New Jersey 08889

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael Hingle
Michael Hingle & Associates, LLC
220 Gause Boulevard
Slidell, Louisiana 70458

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Louisiana

Kathleen M. Harris

Plaintiff

v.

Merck & Co., Inc., et al.

Defendant

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Teva Pharmaceuticals, Inc.
1090 Horsham Road
North Wales, PA 19454

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael Hingle
Michael Hingle & Associates, LLC
220 Gause Boulevard
Slidell, Louisiana 70458

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: