

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**IRENE RICHARDSON, on behalf of  
herself and those similarly situated,  
Plaintiff**

**versus**

**MERCK & CO, INC., SCHERING-  
PLOUGH CORPORATION, and  
MERCK/SCHERING-PLOUGH  
PHARMACEUTICALS, LUPIN  
PHARMACEUTICALS, INC., TEVA  
PHARMACEUTICALS, INC., DR.  
REDDY’S LABORATORIES, INC.,  
RANBAXY LABORATORIES, INC.  
Defendants**

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**CLASS ACTION  
COMPLAINT and  
DEMAND FOR  
JURY TRIAL**

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**PLAINTIFF’S ORIGINAL CLASS ACTION COMPLAINT**

**PARTIES**

1. Plaintiff, Irene Richardson (hereinafter “Plaintiff”) is an individual and citizen and resident of Covington, St. Tammany 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, Defendants have conducted continuous and substantial business in the State of Louisiana.
12. At all times relevant and material hereto, the Defendants acted and gained knowledge themselves and by and through their 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. From 2010 until approximately July 2011 the Plaintiff was prescribed, and took as directed, Defendants' drug Zocor or simvastatin for cholesterol.
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 fears she may suffer from muscle injury or rhabdomyolysis.
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 may 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.
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.

#### **CLASS ACTION**

44. This action is appropriate for determination through the Class Action Procedure for the following reasons:
  - A. The large number of potential claimants present a level of numerosity better handled through the class action procedure as opposed to a mass joinder of individual claims;
  - B. The common issues of law and fact pertaining to the determination of fault and the liability for compensatory and exemplary damages predominate over the

individual issues of quantum, and such issues are typical of similar claims;

- C. The determination of fault and the basis for assessment of compensatory and exemplary damages may be made in the class action without the necessity of proof at that time as to the amount of those damages, thereby establishing guidelines for settlement and/or subsequent trials in individual cases if necessary;
- D. Petitioners herein have sustained damages of the nature described hereinabove and are suitable representatives of the class;
- E. The Plaintiffs herein are represented by skilled attorneys who are experienced in handling mass torts and class actions, and who can be expected to handle this matter in an expeditious and economical matter to the best interests of the class membership;
- F. The class action procedure is the superior vehicle for the efficient disposition of the issues and claims herein presented.

**WHEREFORE**, Plaintiff prays:

1. That Defendant be required to answer this class action complaint after all legal delays have run, all in accordance with law.
2. That after due proceedings had, that this action be certified as a class action, as alleged above, for the purpose of determining the common issues of liability for appropriate damages.

3. That upon certification of the class action, the Court call for the formulation of a suitable management plan.

4. That after due proceedings had, and a trial by jury, there be judgment herein in favor of Plaintiff and against defendant, for all damages which are reasonable in the premises, together with legal interest thereon from the date of judicial demand until paid, and for all costs of these proceedings.

5. That the rights of the Plaintiff and the members of the class to establish their entitlement to compensatory damages, and the amounts thereof, be reserved for determination in their individual actions when appropriate.

6. That Plaintiff recovers her costs for the prosecution of this class action.

7. That a medical monitoring class be certified, and the Court aware appropriate damages sufficient to establish a medical monitoring program as deemed effective by Plaintiff's medical experts.

8. That the Court render judgment in favor of Plaintiff's class awarding all damages as prayed for herein, including attorneys' fees, with all costs assessed against Defendants.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury on all issues.

Respectfully submitted:

Michael Hingle & Associates, LLC

Date: June 1, 2012

/s/ Michael Hingle

Michael Hingle, #6943

Ronald J. Favre, #5979

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

Irene Richardson, et al.

DEFENDANTS

Merck & Co., Inc., et al.

(b) County of Residence of First Listed Plaintiff St. Tammany (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.

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

Michael Hingle & Associates, LLC
220 Gause Blvd., Slidell, LA 70458
(985) 641-6800

Attorneys (If Known)

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

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and business location. Includes categories like Citizen of This State, Citizen of Another State, and Foreign Nation.

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

Large table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER 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. 23
DEMAND \$ > \$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

Eastern District of Louisiana

Irene Richardson, et al.

\_\_\_\_\_  
*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

Eastern District of Louisiana

Irene Richardson, et al.

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

Eastern District of Louisiana

Irene Richardson, et al.

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))*

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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

Eastern District of Louisiana

Irene Richardson, et al.

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

Eastern District of Louisiana

Irene Richardson, et al.

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

Eastern District of Louisiana

Irene Richardson, et al.

Plaintiff

v.

Merck & Co., Inc., et al.

Defendant

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

Eastern District of Louisiana

Irene Richardson, et al.

\_\_\_\_\_  
*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: