

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

FAITH JOHNSON

Plaintiff,

v.

PFIZER, INC.

Defendant.

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CASE NO.:

COMPLAINT AND
DEMAND FOR JURY TRIAL

COMPLAINT FOR DAMAGES

COMES NOW Plaintiff, Faith Johnson, who brings this action for damages against Defendant, Pfizer, Inc., by and through undersigned counsel, who alleges and state the following:

PARTIES

1. Plaintiff, Faith Johnson, is a person of the full age of majority and a resident and domiciliary of Jefferson Parish, State of Louisiana.
2. At all times pertinent, Plaintiff was domiciled in Metairie, Louisiana and was a citizen of Jefferson Parish in the State of Louisiana, which is located within the district of the United States District for the Eastern District of Louisiana.
3. Pfizer, Inc. (hereinafter referred to as “Pfizer” or “Defendant”) is a corporation organized and existing under the laws of the State of Delaware with its principal place of business in the State of New York.
4. Defendant regularly conducts business within the State of Louisiana and derives substantial revenues from drugs consumed in the State of Louisiana. At all times material hereto, Defendant was engaged in the business of manufacturing, promoting,

marketing, distributing and selling pharmaceutical drugs, including the drug Lipitor, which is distributed throughout the State of Louisiana and within the Eastern District of Louisiana.

JURISDICTION AND VENUE

5. This Court has jurisdiction pursuant to 28 U.S.C. §1332 as full diversity of citizenship exists among the parties. Furthermore, the amount in controversy is substantially in excess of seventy-five thousand dollars (\$75,000), exclusive of interest and costs. Additionally, a significant part of the omissions giving rise to the Plaintiff's claims happened within the United States District Court for the Eastern District of Louisiana and Defendants are subject to personal jurisdiction in this district.
6. Venue is proper pursuant to 28 U.S.C. §1391 because a substantial part of the events or omissions giving rise to the claim occurred within the Eastern District of Louisiana.

STATEMENT OF THE CASE

7. This is an action brought by Faith Johnson, for the injury she suffered, as a result of her ingestion of Pfizer's drug, Lipitor, which caused her to develop type 2 diabetes. Ms. Johnson's type 2 diagnosis is a direct and proximate result of the wrongful conduct of Pfizer in designing, developing, manufacturing, testing, distributing, labeling, advertising, marketing, promotion, and selling an unsafe prescription cholesterol-reducing drug, Lipitor.
8. Plaintiff brings this action to recover medical and other expenses and all general and special damages related to her development of type 2 diabetes, and for general and specific future damages, and such other relief as requested herein for injuries suffered

as a direct result of Faith Johnson's ingestion of Lipitor. At all times pertinent, Plaintiff used Lipitor in a manner and dosage recommended by Pfizer and prescribed by her doctor.

FACTUAL ALLEGATIONS

9. The drug "atorvastatin calcium," is manufactured, promoted, distributed, labeled and marketed by Pfizer under the trade name Lipitor. It is a HMG-CoA reductase inhibitor and a member of the class of drugs known as "statins."
10. Lipitor is prescribed to lower cholesterol and other fatty substances in the blood. Lipitor, like other statins, works primarily by blocking an enzyme in the liver responsible for producing cholesterol.
11. Pfizer's predecessor in interests, Parke-Davis Pharmaceutical Research, a division of Warner-Lambert Company, received approval for Lipitor by the Food and Drug Administration ("FDA") on December 17, 1996. Following FDA approval of Lipitor, Warner-Lambert entered into a co-marketing agreement with Pfizer to distribute and sell Lipitor throughout the United States in 1997. Subsequently, on June 19, 2000, Pfizer acquired Warner-Lambert along with all rights to design, manufacture, advertise, analyze, assemble, compound, develop, distribute, inspect, label, test, promote, market and sell Lipitor.
12. Pfizer placed Lipitor into the stream of worldwide commerce and interstate commerce in the United States and the State of Louisiana. Pfizer did so without adequate testing and with inadequate or no warning that the use of Lipitor carried with it the risk of causing and/or developing type 2 diabetes. Despite knowledge that Lipitor use is linked to the development of type 2 diabetes and/or increased blood

glucose levels diagnostic for type 2 diabetes, Pfizer promoted and marketed Lipitor as safe and effective for person such as Faith Johnson throughout the United State, including the State of Louisiana.

13. In February 2012, Pfizer revised the Warnings and Precautions Section of its Lipitor label to include the following language: “Increase in HbA1c and fasting serum glucose levels have been reported with HMG-CoA reductase inhibitors, including LIPITOR.”
14. Prior to this addition, Lipitor’s label never contained any warning concerning an association between Lipitor and elevated blood glucose levels.
15. Notwithstanding the February 2012 label change, Lipitor’s label continues to fail to adequately warn consumers of the serious risk of developing type 2 diabetes associated with the risk of the use of Lipitor.
16. At all pertinent times, Pfizer knew or should have known that the risks associated with Lipitor included the development of type 2 diabetes along with the risk of developing severe and life-threatening diabetic complications. Yet despite this knowledge Pfizer, by and through its agents, servants, and/or employees failed to adequately warn physicians and consumers, including Faith Johnson, of the risk of developing type 2 diabetes.
17. Furthermore, at all pertinent times, Pfizer, by and through its agents, servants, and/or employees negligently, recklessly, and/or carelessly marketed, distributed, and/or sold Lipitor without adequate testing and with inadequate or no warning that the use of Lipitor carried with it serious side effects and unreasonably dangerous risks, including, but not limited to, the development of type 2 diabetes.

18. Pfizer failed and continues to fail to warn and disclose to Plaintiff, other consumers, and healthcare providers that Lipitor significantly increases a patient's risk of developing type 2 diabetes.
19. Plaintiff, Faith Johnson, was prescribed Lipitor in order to lower her low-density lipoprotein ("LDL") cholesterol levels.
20. Plaintiff began taking Lipitor as directed and prescribed to the best of Plaintiff's current knowledge and recollection sometime in 2011.
21. Plaintiff agreed to initiate LIPITOR treatment, relying on claims made by Pfizer that Lipitor has been clinically shown to lower LDL levels and reduce the risk of developing heart disease.
22. Subsequently, on or about September 18, 2012 Plaintiff was diagnosed with type 2 diabetes while still actively taking Lipitor.
23. Due to becoming diabetic, Plaintiff must now undergo regular testing of her blood glucose levels, follow a restrictive diabetic diet, and take additional medication to regulate her diabetes.
24. Had Pfizer properly warned Plaintiff of the risk associated with the use of Lipitor, Plaintiff would have avoided the risk of developing type 2 diabetes by either not using Lipitor or by diligently monitoring her blood glucose levels.
25. As a direct, proximate, and legal result of Pfizer's negligence and wrongful conduct, and the unreasonably dangerous and defective characteristics of the drug Lipitor, Plaintiff, Faith Johnson, has suffered severe and permanent physical and emotional injuries, and disabilities including, but not limited to, being diagnosed with type 2 diabetes. Furthermore, Plaintiff has endured pain and suffering, suffered economic

loss, including incurring significant expenses for medical care and treatment, and will continue to incur such expenses in the future.

FRAUDULENT CONCEALMENT AND TOLLING

26. Plaintiff repeats and incorporates by reference all other paragraphs of this Complaint as if fully set forth herein.
27. The running of any statute of limitations has been tolled by reason of Defendant's fraudulent concealment. Defendant, through its affirmative misrepresentations and omissions, actively concealed from Plaintiff, Faith Johnson, and her physician(s) the true risks associated with the use of Lipitor.
28. As a result of Defendant's actions, Plaintiff and her physician(s) were unaware, and could not reasonably have known or have learned through reasonable diligence, that she had been exposed to the risks alleged herein and that those were the direct and proximate result of Defendants' acts and omissions

COUNT ONE
LOUISIANA PRODUCTS LIABILITY ACT ("LPLA")
DESIGN DEFECT UNDER LSA-R.S. 9:2800.56

29. Plaintiff repeats and incorporates by reference all other paragraphs of this Complaint as if fully set forth herein.
30. At all times material to this action, Defendant was responsible for designing, developing, manufacturing, testing, packaging, promoting, marketing, distributing, labeling and/or selling Lipitor.
31. Pfizer's prescription drug, Lipitor, is defective and unreasonably dangerous to consumers.

32. Lipitor is defective in its design or formulation in that it is not reasonably fit, suitable, or safe for its intended purpose and/or its foreseeable risks exceed the benefits associated with its design and formulation.
33. At all times mentioned herein, the drug Lipitor was not safe or suitable for the purposes for which Defendant, directly and indirectly, advertised, marketed, and promoted the drug at the time Defendant designed, manufactured, distributed, and sold the drug to Plaintiff and placed the drug into the stream of commerce.
34. Lipitor, sold to and used by the Plaintiff, was defective and unreasonably dangerous when it left control of the Defendant in one or more of the following ways:
- a) The risk associated with the use of Lipitor and developing type 2 diabetes far outweighed the utility derived from using the medication;
 - b) Defendant failed to provide adequate warnings regarding the hazards associated with the use of Lipitor; and
 - c) Defendant's product was defectively designed and unreasonably dangerous in design and composition in that other medications could achieve similar results without the risks presented by Lipitor.
35. In addition, at the time of the Lipitor used by Plaintiff left the control of the Defendant, there were practical and feasible alternative designs that would have prevented and/or significantly reduce the risk of Ms. Johnson's injuries without impairing the reasonably anticipated or intended function of the product. These safe alternative designs were economically and technologically feasible, and would have prevented or significantly reduced the risk of Ms. Johnson's injuries without substantially impairing the product's utility.

36. As a direct and proximate result of Lipitor's defective design, Faith Johnson, has and will continue to suffer severe and permanent injuries and/or damages.

COUNT TWO
LOUISIANA PRODUCTS LIABILITY ACT
DEFECT IN CONSTRUCTION OR COMPOSITION UNDER LA. R.S. § 9:2800.55

37. As fully set forth herein, Plaintiff repeats and incorporates by reference all other paragraphs of this Complaint.

38. The characteristic of Lipitor that renders it unreasonably dangerous in construction or composition existed at the time the product left the control of Pfizer or resulted from a reasonably anticipated alteration or modification of the product.

39. Defendant sold and/or distributed Lipitor in a condition that posed unreasonable risks from reasonably anticipated use of the product. Lipitor was expected to and did reach Faith Johnson without substantial change in condition from the time that it left the control of Pfizer.

40. Defendant designed, researched, developed, tested, inspected, produced, manufactured, analyzed, merchandised, packaged, advertised, promoted, labeled, distributed, marketed, and/or sold Lipitor in a condition which rendered the product unreasonably dangerous due to its propensity to lead to the development of type 2 diabetes. As such, Lipitor was unreasonably dangerous in construction and/or composition as provided for in La. R.S. §9:2800.55.

41. As a direct and proximate result of the Lipitor's defects in composition and/or construction, Faith Johnson suffered, and will continue to suffer, severe and permanent injuries and/or damages.

COUNT THREE
LOUISIANA PRODUCTS LIABILITY ACT
INADEQUATE WARNING UNDER LA. R.S. §9:2800.57

42. As if fully set forth herein, Plaintiff incorporates by reference, each and every allegation set forth in the preceding paragraphs and further alleges as follows.
43. Pfizer knew, or in light of reasonably available knowledge, should have known that Lipitor was dangerous and caused serious side effects including the development of diabetes. The ordinary user or consumer of Lipitor would not have realized such dangers.
44. Defendant neglected to provide Faith Johnson with any warning which could have been expected to catch the attention of a reasonably prudent person under similar circumstances who may have purchased Lipitor. Furthermore, Defendant failed to provide warnings to Plaintiff which could accurately advise her or an ordinary consumer of the scope, severity and likelihood of serious injury resulting from the use of Lipitor. Had such warnings been provided, Faith Johnson would have avoided the risk of diabetes by either not taking Lipitor or by closely monitoring her blood glucose levels. As such, the severe and permanent injuries and/or damages sustained by Faith Johnson could have been avoided.
45. Defendant neglected to provide Faith Johnson and her prescribing physician(s) with adequate warnings to accurately advise her and such physician(s) of the increased propensity for developing type 2 diabetes resulting from the prescribing and ingesting of Lipitor.

46. As a direct and proximate result of Lipitor's defective and inappropriate warnings, Faith Johnson, suffered and will continue to suffer severe and permanent injuries and/or damages.

COUNT FOUR
LOUISIANA PRODUCTS LIABILITY ACT
BREACH OF EXPRESS WARRANTY UNDER LA. R.S. §9:2800.58

47. As if fully set forth herein, Plaintiff incorporates by reference, each and every allegation set forth in the preceding paragraphs and further alleges as follows.

48. At all times material herein, Defendant directly and indirectly manufactured, compounded, packaged, distributed, advertised, marketed, promoted, recommended, supplied, and sold Lipitor for the treatment of elevated cholesterol and prevention of heart disease, and placed Lipitor in the stream of commerce. In doing so, Pfizer expressly warranted to all foreseeable users of the drug, including Faith Johnson, directly and through her prescribing physicians(s), that Lipitor was safe and effective for its intended purpose.

49. Plaintiff reasonably relied, directly and through her prescribing physician(s), upon Defendant's skill, superior knowledge, and judgment upon the aforesaid express warranty provided by Defendant.

50. Upon being prescribed Lipitor, Faith Jonson's use of Lipitor was consistent with its intended purpose for which Defendant directly and indirectly advertised, marketed, and promoted Lipitor. Additionally, Plaintiff's use of Lipitor was reasonably contemplated, intended, and foreseen by Defendant at the time of the distribution and sale of Lipitor by Defendant. Therefore, Faith Johnson's use of Lipitor is within the scope of the express warranties issued by the Defendant.

51. Defendant breached the express warranties because Lipitor was not safe or fit for its intended uses and purposes.

52. As a direct and proximate result of Pfizer's breach of expressed warranty, Faith Johnson suffered, and will continue to suffer, severe and permanent injuries and/or damages.

COUNT FIVE
BREACH OF WARRANTY REDHIBITION

53. As fully set forth herein, Plaintiff incorporates by reference, each and every allegation set forth in the preceding paragraphs and further alleges as follows.

54. Lipitor contains a vice or defect which renders it useless or its use so inconvenient that consumers would not have purchased it had they known about the vice or defect.

55. Pursuant to Louisiana Civil Code article 2520, a seller warrants the buyer against redhibitory defects, or vices, in the thing sold. Lipitor which was sold and promoted by Pfizer possesses a redhibitory defect because it was not manufactured and marketed in accordance with industry standards and/or is unreasonably dangerous, as described above, which renders Lipitor useless or so inconvenient that it must be presumed that had Faith Johnson would not have bought Lipitor had she known of the defects.

56. Defendant was aware of the substantial risks from using Lipitor but failed to fully disclose those risks to the Plaintiff.

57. In accordance with Louisiana Civil Code article 2445, Pfizer, as the manufacturer of Lipitor, is deemed to be aware of its redhibitory defects.

58. Had Faith Johnson been made aware of the defects contained in Lipitor, she would not have purchased Lipitor. The characteristics rendered Lipitor unfit for its intended purposes.
59. Defendant is liable to Plaintiff under the theory of redhibition as a consequence of the sale to Plaintiff of a product unfit for its intended use.
60. Faith Johnson is entitled to the return of purchase price paid, including, but not limited to, insurance co-payments, interest on these amounts from the date of purchase, attorneys' fees and costs, pecuniary and non-pecuniary damages, as well as any other legal and equitable relief to which Plaintiff may be entitled.

DAMAGES

61. As a result of the failures described herein, Faith Johnson has sustained substantial injuries, permanent disability and damages, including, but not limited to, severe and permanent bodily injury.
62. As a result of her injuries, Plaintiff has and will sustain the following non-exclusive damages including physical injuries, past, present, and future emotional distress; loss of enjoyment of life; past, present and future mental pain and suffering; inconvenience; past, present and future physical pain, suffering and disability; past, present and future medical expenses; economic damages; and other damages to be proven at the trial of this matter.

JURY DEMAND

Plaintiff hereby demands a jury trial on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays:

- (a) that Plaintiff be granted a trial by jury in this matter;
- (b) that the Court enter judgment against Defendant for all general and compensatory damages allowable to Plaintiff;
- (c) that the Court enter judgment against Defendant for all other special damages allowable to Plaintiff;
- (d) that the Court enter judgment against Defendant for all other relief sought by Plaintiff under this Complaint;
- (e) that the Court render judgment in favor of the Plaintiff awarding all damages as prayed for herein, including attorney's fees, with all costs assessed against Defendant; and
- (f) that the Court grant Plaintiff such other and further relief to which the Court deems just and appropriate.

Date: September 13, 2013

RESPECTFULLY SUBMITTED,

//s// Kevin P. Riché

John D. Sileo (La. Bar No.: 17797)
Kevin P. Riche' (La. Bar No.: 31939)
320 N. Carrollton Ave., Suite 101
New Orleans, LA 70119
Telephone: (504) 486-4343
Attorneys for Plaintiff, Faith Johnson

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:

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

FAITH JOHNSON

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
KEVIN P. RICHE, LAW OFFICE OF JOHN D. SILEO
320 N. CARROLLTON AVE. SUITE 101 NEW ORLEAS LA 70119
504-486-4343

DEFENDANTS

PFIZER, INC.

County of Residence of First Listed Defendant _____
(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
- 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)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or 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 and 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 <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input checked="" type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

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 U.S.C. § 1332

Brief description of cause:
Plaintiff sustained injuries from Lipitor.

VII. REQUESTED IN COMPLAINT:

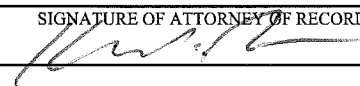
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** 1,000,000.00 **CHECK YES only if demanded in complaint:**
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE 09/13/2013 SIGNATURE OF ATTORNEY OF RECORD 

FOR OFFICE USE ONLY

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