

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DIVISION OF LOUISIANA**

<b>IN RE: ACTOS (PIOGLITAZONE)</b>	)	
<b>PRODUCT LIABILITY LITIGATION</b>	)	<b>JUDGE REBECCA DOHERTY</b>
	)	
	)	<b>MAGISTRATE HANNA</b>
<hr/>	)	
<i>This Document Relates To:</i>	)	<b>MDL NO: 2299</b>
	)	
<i>William L. Novak v. Takeda Pharmaceuticals</i>	)	
<i>International, Inc., et al.</i>	)	
<i>Civil Action No. 6:12-CV-01241</i>	)	
<hr/>	)	

**UNOPPOSED MOTION FOR LEAVE TO SUBSTITUTE THE ESTATE OF  
WILLIAM L. NOVAK AS PLAINTIFF FOR PLAINTIFF WILLIAM L. NOVAK  
DECEASED AND LEAVE TO AMEND COMPLAINT *INSTANTER***

**NOW INTO COURT**, through undersigned counsel, comes the Plaintiff, William L. Novak, and hereby moves this Court for an Order granting Plaintiff leave to substitute Linda Rogers, Fiduciary of the Estate of William L. Novak, as the new Plaintiff for plaintiff, William L. Novak, who died on May 31, 2013 and leave to file a First Amended Complaint, *Instanter*, to add a wrongful death cause of action pursuant to Ohio Rev. Code, Chapter 2125.

In support of this Motion, Plaintiff attaches the Certificate of Death as Exhibit 1 and the Entry Appointing Fiduciary; Letter of Authority appointing Linda Rogers, Fiduciary of the Estate of William L. Novak as Exhibit 2.

Respectfully submitted,

**PISCITELLI LAW FIRM**

*/s/ Frank E. Piscitelli, Jr.*

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Frank E. Piscitelli, Jr. (0062128)  
6151 Wilson Mills Road, Suite 110  
Cleveland, Ohio 44143  
216.931.7000 Telephone  
216.931.9925 Facsimile  
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Attorney for Plaintiff

**Certificate of Service**

I hereby certify that on September 9, 2013 a true copy of the foregoing Notice of **UNOPPOSED MOTION FOR LEAVE TO SUBSTITUTE THE ESTATE OF WILLIAM L. NOVAK AS PLAINTIFF FOR PLAINTIFF WILLIAM L. NOVAK DECEASED AND LEAVE TO AMEND COMPLAINT *INSTANTER*** was filed electronically. Notice of this filing was sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF system.

/s/ Frank E. Piscitelli, Jr.  
Frank E. Piscitelli, Jr. (0062128)

Reg. Dist. No. 1829  
Primary Reg. Dist. No. 1829

## CERTIFICATE OF DEATH

State File No. 2013050492

Registrar's No. 2013-005616

Type or print in permanent blue or black ink

1. Decedent's Legal Name (Include AKA's if any) (First Middle, LAST, suffix) WILLIAM L NOVAK				2. Sex Male		3. Date of Death (Mo/Day/Year) May 31, 2013					
4. Social Security Number 289-26-2468		5a. Age (Years) 81		5b. Under 1 Year Months		5c. Under 1 day Hours Minutes		6. Date of Birth (Mo/Day/Year) November 22, 1931		7. Birthplace (City and State or Foreign Country) CLEVELAND, OHIO	
8a. Residence State OHIO		8b. County CUYAHOGA				8c. City or Town BROOK PARK					
8d. Street and Number 14608 S, GALLATIN BLVD						8e. Apt. No.		8f. Zipcode 44142		8g. Inside City Limits? Yes	
9. Ever in US Armed Forces? Yes		10. Marital Status at Time of Death Widowed (and not remarried)				11. Surviving Spouse's Name (If wife, give name prior to first marriage)					
12. Decedent's Education HIGH SCHOOL GRADUATE OR GED				13. Decedent of Hispanic Origin No				14. Decedent's Race White			
15. Father's Name FRANK NOVAK						16. Mother's Name (prior to first marriage) JENNIE KORCIN					
17a. Informant's Name LINDA ROGERS						17b. Relationship to Decedent Daughter		17c. Mailing Address (Street and Number, City, State, Zip Code) 169 GLENNA LANE NORTH ROYALTON, OHIO 44133			
18a. Place of Death Hospital - Inpatient						18b. Facility Name (If not institution, give street & number) SOUTHWEST GENERAL HEALTH CENTER					
18c. City or Town, State and Zip Code MIDDLEBURG HEIGHTS, OH 44130						18d. County of Death CUYAHOGA					
19. Signature of Funeral Service, Licensee or Other Agent <i>Anthony A. Ripepi</i>				20. License Number (of licensee) 006969		21. Name and Complete Address of Funeral Facility A RIPEPI & SONS FH INC 18149 BAGLEY RD MIDDLEBURG HEIGHTS, OH 44130					
22a. Method of Disposition Burial				22b. Date of Disposition June 07, 2013		22c. Place of Disposition (Name of Cemetery, Crematory, or other place) HOLY CROSS CEMETERY					
22d. Location (City/Town and State) BROOK PARK, OH											
23. Registrar's Signature <i>Morry a Blech</i>						24. Date Filed JUN 04 2013					
25a. Name of Person Issuing Burial Permit BLECH, MORRY						25b. District No. 1800		25c. Date Burial Permit Issued May 31, 2013			
26a. Certifier (Check only one) <input checked="" type="checkbox"/> Certifying Physician To the best of my knowledge, death occurred at the time, date, and place; and due to the cause(s) and manner stated. <input type="checkbox"/> Coroner On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, and place; and due to the cause(s) and manner stated.											
26b. Time of Death 8:55 AM				26c. Date Pronounced Dead (Mo/Day/Year) 5/31/13				26d. Was case referred to coroner? No			
26e. Signature and Title of Certifier <i>Morry a Blech</i>				26f. License number 35.071569		26g. Date Signed 6/4/13					
27. Name (Last, First, Middle) and Address of Person who Completed Cause of Death FETTERMAN, TIMOTHY JAMES, 14401 SNOW ROAD #106 BROOK PARK, OH 44142											
28. Part I. Enter the disease, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line. Type or print in permanent blue or black ink.											
Immediate Cause (Final disease or condition resulting in death)		a. CARDIO PULMONARY ARREST								Approximate Interval Between Onset and Death MINUTES	
Sequentially list conditions, if any, leading to immediate cause.		b. Due to (or as Consequence of) CORONARY ARTERY DISEASE								YEARS	
Enter Underlying Cause (Disease or injury that initiated events resulting in a death)		c. Due to (or as Consequence of) METASTATIC BLADDER CANCER								YEARS	
		d. Due to (or as Consequence of) BLADDER CANCER								YEARS	
Part II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I. DM / HTN / HYPERLIPIDEMIA, ASBESTOSIS, CAD											
30. Did Tobacco Use Contribute to Death? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Unknown <input type="checkbox"/> No <input type="checkbox"/> Probably				31. If Female, Pregnancy Status <input type="checkbox"/> Not pregnant within past year <input type="checkbox"/> Pregnant at time of death <input type="checkbox"/> Not pregnant, but pregnant within 42 days of death <input type="checkbox"/> Not pregnant, but pregnant 43 days to 1 year before death <input type="checkbox"/> Unknown if pregnant within the past year				32a. Was An Autopsy Performed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		32b. Were Autopsy Findings Available Prior To Completion Of Cause of Death? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable	
32. Manner of Death <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Homicide <input type="checkbox"/> Accident <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Suicide <input type="checkbox"/> Could not be determined											
33a. Date of Injury (Mo/Day/Year)		33b. Time of Injury		33c. Place of Injury (e.g., Decedent's home, construction site, restaurant, wooded area)						33d. Injury at Work? <input type="checkbox"/> Yes <input type="checkbox"/> No	
33e. Location of Injury (Street and Number or Rural Route Number, City or Town, State)											
33f. Describe How Injury Occurred:										33g. If Transportation Injury, Specify: <input type="checkbox"/> Driver/Operator <input type="checkbox"/> Pedestrian <input type="checkbox"/> Passenger <input type="checkbox"/> Other:	

HEA 2724 Rev. 01/07

I HEREBY CERTIFY THIS  
DOCUMENT IS AN EXACT  
COPY OF THE RECORD ON FILE WITH  
THE OHIO DEPARTMENT OF HEALTH.

JN -4 13062238

Morry A. Blech  
MORRY A. BLECH, LOCAL REGISTRAR  
OFFICE OF VITAL STATISTICS  
WITNESS MY SIGNATURE AND SEAL



727948

## Ohio Department of Health \* Office of Vital Statistics

## Application to File an Affidavit to an Ohio Birth or Death Certificate

Please Read All Instructions Before Completing This Form

Crossouts, corrective fluid and typos will not be accepted on this form

## Eligibility

For birth records: You must be the person named on the record and at least 18 years old, a parent listed on the record, or a legal guardian for the child named on the record. If both parents are listed, and the child is a minor (under 18 years old), both parents must sign the affidavit. Corrections to last names, date of birth and gender will not be accepted. This affidavit cannot be used to add a father to a birth record.

For death records: Only the informant or the funeral director may change the non-medical information as listed on the record. Cause of death information may only be changed by the attending physician or the coroner/medical examiner using a medical supplement. Social Security number information will only be changed if documentation is provided.

Once a correction of an item has been made, that item cannot be corrected or amended again except on the order of the court.

\*Please print in ink or type



038512

## Applicant (Person requesting the correction)

Name first, middle, last ANTHONY A RIPEPI JR		
I represent the Person as: <input type="checkbox"/> Self <input type="checkbox"/> Parent <input type="checkbox"/> Guardian <input type="checkbox"/> Informant <input checked="" type="checkbox"/> Funeral director <input type="checkbox"/> Other _____		
Address 18149 BAGLEY ROAD		Daytime phone number 4402608800
City MIDDLEBURG HEIGHTS	State OHIO	ZIP 44130

Original certificate information ☐ Birth record ☒ Death record ☐ Fetal death record

State filing number vol/cert 2013050492		Local registrar number cert 1800-2013005616	
Name as recorded first, middle, last WILLIAM L NOVAK		<input type="checkbox"/> No Name Listed	Sex <input type="checkbox"/> Female <input checked="" type="checkbox"/> Male
Date of event date of birth/date of death May 31, 2013	Place of event City MIDDLEBURG HEIGHTS	County CUYAHOGA	
Mother's full name first, middle, maiden name JENNIE KORCIN			
Father's full name first, middle, last FRANK NOVAK			

## Items to be corrected

Item # / Item name	Information as it appears on original certificate	Correct Information
Informants Mailing Address	169 GLENN LANE	169 GLENA LANE
Informants City	NORTH ROYALTON	BRUNSWICK
Informants Zip Code	44133	44212

## Affidavit of personal knowledge (this section must be signed before a notary public)

State of OHIO County of CUYAHOGABefore me on this date appeared ANTHONY A RIPEPI JR

Person(s) executing affidavit

now residing at 18149 BAGLEY ROAD, MIDDLEBURG HEIGHTS, OHIO 44130

Street

City

State

ZIP

Being duly affirmed say that I/we have personal knowledge that the foregoing facts are true and correct relative to

WILLIAM L NOVAK

(Correct spelling of name)

Signature\*\*

\*\*Please sign EXACTLY as the name printed above/appears

Signature

HEA 2726 (Rev. 5/05)



727948

Affirmed to and subscribed before me, this

11 day of June 2013

Signature of Notary

Date Commission Expires October 28, 2013

2013050492

**PROBATE COURT OF CUYAHOGA COUNTY, OHIO**

ANTHONY J. RUSSO, PRESIDING JUDGE  
LAURA J. GALLAGHER, JUDGE

ESTATE OF: **WILLIAM L. NOVAK DECEASED**

Case Number: **2013EST189939**

**ENTRY APPOINTING FIDUCIARY; LETTERS OF AUTHORITY**

(For Executors and all Administrators)

Name of Fiduciary: **LINDA ROGERS; ;**

On hearing in open court the application of the above fiduciary for authority to administer decedent's estate, the Court finds that:

Decedent died (check one of the following)

- ☒ testate  
☐ intestate

on **05/31/2013**, domiciled in **BROOKPARK, OH 44142-0000**.

(Check one of the following)

- ☒ Bond is dispensed with by the Will  
☐ Bond is dispensed with by law  
☐ Applicant has executed and filed an appropriate bond, which is approved by the Court; and

Applicant is a suitable and competent person to execute the trust.

The court therefore appoints applicant as such fiduciary, with the power conferred by law to fully administer decedent's estate. This entry of appointment constitutes the fiduciary's letters of authority.

**06/18/2013**

Date appointed



JUDGE LAURA J. GALLAGHER

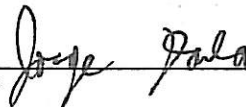
**CERTIFICATE OF APPOINTMENT AND INCUMBENCY**

The above document is a true copy of the original kept by me as custodian of the records of this Court. It constitutes the appointment and letters of authority of the named fiduciary, who is qualified and acting in such capacity.

(Seal)

**ANTHONY J. RUSSO, PRESIDING JUDGE**

Deputy Clerk



**06/18/2013**  
Issue Date

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

<b>LINDA ROGERS, Fiduciary of the Estate of WILLIAM L. NOVAK, decedent,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>MDL NO.: 6:11-MD-2299</b>
	)	
<b>v.</b>	)	<b>Civil Action No. 6:12-CV-01241</b>
	)	
	)	<b>JUDGE DOHERTY</b>
<b>TAKEDA PHARMACEUTICALS</b>	)	
<b>NORTH AMERICA, INC.; TAKEDA</b>	)	<b>MAG. JUDGE HANNA</b>
<b>PHARMACEUTICALS</b>	)	
<b>INTERNATIONAL, INC., TAKEDA</b>	)	<b><u>FIRST AMENDED COMPLAINT</u></b>
<b>PHARMACEUTICALS COMPANY</b>	)	
<b>LIMITED; TAKEDA</b>	)	<b>Jury Demand Endorsed Hereon</b>
<b>PHARMACEUTICALS, LLC; TAKEDA</b>	)	
<b>GLOBAL RESEARCH &amp;</b>	)	
<b>DEVELOPMENT CENTER, INC.;</b>	)	
<b>TAKEDA SAN DIEGO, INC.; TAKEDA</b>	)	
<b>PHARMACEUTICALS AMERICA, INC.;</b>	)	
<b>ELI LILLY AND COMPANY,</b>	)	
	)	
<b>Defendants.</b>	)	

Plaintiff, **LINDA ROGERS, Fiduciary of the Estate of WILLIAM L. NOVAK**, (hereinafter "Plaintiff"), by and through his counsel of record, hereby alleges in this First Amended Complaint against the Defendants, **TAKEDA PHARMACEUTICALS NORTH AMERICA, INC., TAKEDA PHARMACEUTICALS INTERNATIONAL, INC., TAKEDA PHARMACEUTICALS COMPANY LIMITED, TAKEDA PHARMACEUTICALS, LLC, TAKEDA GLOBAL RESEARCH & DEVELOPMENT CENTER, INC. and TAKEDA SAN**



DIEGO, INC., TAKEDA PHARMACEUTICALS AMERICA, INC., and ELI LILLY AND COMPANY as follows:

### **JURISDICTION**

1. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332, because the amount in controversy as to the Plaintiff exceeds \$75,000.00, exclusive of interest and costs, and because Defendants are all incorporated and have their principal places of business in states other than the state in which the Plaintiff resides. This court has supplemental jurisdiction over the remaining law and state claims pursuant to 28 U.S.C. § 1367 with respect to claims that form part of the same case or controversy.

2. Venue is proper in this court pursuant to 28 U.S.C. § 1391 because a substantial part of Defendants business activities giving rise to Plaintiffs' claims occurred in the Northern District of Ohio.

3. Defendants have transacted and conducted business within the state of Ohio. Defendants have derived substantial revenue from goods and products disseminated and used in the state of Ohio. Defendants expected or should have expected their acts to have consequences within the state of Ohio.

### **NATURE OF THE CASE**

4. This is an action for personal injury and wrongful death on behalf of **LINDA ROGERS, Fiduciary of the Estate of WILLIAM L. NOVAK**, against Defendants who were responsible for the prescription drug Actos, a diabetes medication used by **WILLIAM L. NOVAK**, decedent, that caused **WILLIAM L. NOVAK's** bladder cancer, pain and suffering and death.



**PARTIES**

4. On June 18, 2013, Plaintiff, **LINDA ROGERS**, was appointed the fiduciary of the Estate of **WILLIAM L. NOVAK**, who died on May 31, 2013. *See* Exhibit 1 Death Certificate; Exhibit 2, Entry Appointing Fiduciary; Letters of Authority.

5. Decedent, was and at all times mentioned herein was, a citizen of the State of Ohio, and nineteen (19) years of age or older.

6. Upon information and belief, Defendant **TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.**, is a Delaware corporation, having a principal place of business at One Takeda Parkway, Deerfield, Illinois 60015. As part of its business, **TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.** is involved in the research, development, sales and marketing of pharmaceutical products including Actos and pioglitazone hydrochloride.

7. Defendant **TAKEDA PHARMACEUTICAL COMPANY LIMITED** is a Japanese corporation having a principal place of business at 1-1, Doshomachi 4-chome, Chuoku, Osaka, Japan. As part of its business, **TAKEDA PHARMACEUTICAL COMPANY LIMITED** is involved in the research, development, sales, and marketing of pharmaceutical products including Actos and pioglitazone hydrochloride.

8. Defendant **TAKEDA PHARMACEUTICALS, LLC** is a Delaware limited liability company, having a principal place of business at One Takeda Parkway, Deerfield, Illinois 60015. As part of its business, **TAKEDA PHARMACEUTICALS, LLC** is involved in the research, development, sales and marketing of pharmaceutical products including Actos and pioglitazone hydrochloride.

9. Defendant TAKEDA PHARMACEUTICALS INTERNATIONAL, INC. is an Illinois corporation, having a principal place of business at One Takeda Parkway, Deerfield, Illinois 60015. As part of its business, TAKEDA PHARMACEUTICALS INTERNATIONAL, INC. is involved in the research, development, sales and marketing of pharmaceutical products including Actos and pioglitazone hydrochloride.

10. Defendant TAKEDA GLOBAL RESEARCH & DEVELOPMENT CENTER, INC. is an Illinois corporation, having a principal place of business at One Takeda Parkway, Deerfield, Illinois 60015. As part of its business, TAKEDA GLOBAL RESEARCH & DEVELOPMENT CENTER, INC. is involved in the research, development, sales and marketing of pharmaceutical products including Actos and pioglitazone hydrochloride.

11. Defendant TAKEDA SAN DIEGO, INC. is a California corporation, having a principal place of business at 10410 Science Center Drive, San Diego, CA 92121. As part of its business TAKEDA SAN DIEGO, INC. is involved in the research, development, sales and marketing of pharmaceutical products including Actos and pioglitazone hydrochloride.

12. TAKEDA PHARMACEUTICALS AMERICA INC. is a Delaware corporation, which has its principal place of business at One Takeda Pkwy., Deerfield, IL 60015. TAKEDA PHARMACEUTICALS AMERICA INC. is a wholly-owned subsidiary of TAKEDA NORTH AMERICA, INC. TAKEDA PHARMACEUTICALS AMERICA INC. has transacted in conducting business within the State of Illinois.

13. Eli Lilly and Company is and Indiana Corporation with its principal place of business located at Lily Corporate Ctr., Indianapolis, Indiana 46285.

14. Upon information and belief, at relevant times, Defendants were engaged in the business of researching, developing, designing, licensing, manufacturing, distributing, selling,

marketing, and/or introducing into interstate commerce and into the State of Illinois, either directly or indirectly through third parties or related entities, its products, including Actos and pioglitazone hydrochloride.

15. At relevant times, Defendants conducted regular and sustained business and engaged in substantial commerce and business activity in the State of Illinois, which included but was not limited to selling, marketing and distributing its products including Actos and pioglitazone hydrochloride in Illinois.

16. Upon information and belief, at all relevant times, Defendants expected or should have expected that their acts would have consequences within the United States of America including the State of in Illinois, and Defendants derived and derive substantial revenue from interstate commerce.

17. Upon information and belief, Defendant, TAKEDA PHARMACEUTICAL COMPANY LIMITED is a company domiciled in Japan and is the parent/holding company of Defendants TAKEDA PHARMACEUTICALS INTERNATIONAL, INC., TAKEDA PHARMACEUTICALS NORTH AMERICA, INC., TAKEDA PHARMACEUTICALS, LLC, TAKEDA GLOBAL RESEARCH & DEVELOPMENT CENTER, INC., TAKEDA SAN DIEGO, INC., TAKEDA PHARMACEUTICALS AMERICA, INC.

18. Upon information and belief, at all relevant times, Defendant TAKEDA PHARMACEUTICAL COMPANY LIMITED exercised and exercises dominion and control over Defendants TAKEDA PHARMACEUTICALS INTERNATIONAL, INC., TAKEDA PHARMACEUTICALS NORTH AMERICA, INC., TAKEDA PHARMACEUTICALS, LLC, TAKEDA GLOBAL RESEARCH & DEVELOPMENT CENTER, INC., TAKEDA SAN DIEGO, INC., TAKEDA PHARMACEUTICALS AMERICA, INC.

19. Upon information and belief, at all relevant times, Defendant TAKEDA PHARMACEUTICAL COMPANY LIMITED expected or should have expected that its acts would have consequences within the United States of America and the State of Illinois, and Defendant derived and derives substantial revenue from interstate commerce.

20. Upon information and belief, at all relevant times, Defendants, including Defendant TAKEDA PHARMACEUTICAL COMPANY LIMITED have transacted and conducted business in the State of Illinois and/or contracted to supply goods and services within the State of Illinois and these causes of action have arisen from same.

21. Upon information and belief, at all relevant times, Defendants, including Defendant TAKEDA PHARMACEUTICAL COMPANY LIMITED committed a tortious act within the State of Illinois causing injury within the State of Illinois out of which act(s) these causes of action arise.

22. Upon information and belief, at all relevant times, Defendants, including Defendant TAKEDA PHARMACEUTICAL COMPANY LIMITED committed tortious act(s) within the State of Illinois out of which act(s) these causes of action arise.

#### **FACTUAL BACKGROUND**

23. At all relevant times, Defendants designed, researched, manufactured, tested, advertised, promoted, marketed, sold and distributed Actos and pioglitazone hydrochloride for treatment of Type 2 Diabetes Mellitus.

24. Actos received FDA approval in 1999 to treat Type 2 Diabetes Mellitus.

25. Prior to applying for and obtaining approval for Actos, Defendants knew or should have known that Actos use in humans was associated with and/or would cause the induction of bladder cancer and Defendants possessed pre-clinical scientific studies including



animal evidence, which evidence Defendants knew or should have known was a signal that the risk of bladder cancer needed to be further tested and studied before placing Actos on the market.

26. Despite bladder cancer findings in animal model carcinogenicity studies and other pre-clinical evidence, Defendants failed to adequately conduct complete and proper testing of Actos prior to filing its New Drug Application for Actos.

27. It is now known that additional bladder cancer evidence from human clinical trials also became known to Defendants in the early 2000's.

28. From the date of market approval for Actos, Defendants made, distributed, marketed and sold Actos without adequately warning **WILLIAM L. NOVAK's** prescribing physicians or **WILLIAM L. NOVAK** that Actos was associated with and/or could cause bladder cancer and presented a risk of bladder cancer in patients who used it and without adequate notice that Defendants had not sufficiently conducted complete and proper testing and studies of Actos with regard to carcinogenicity.

29. For over 10 years and to date, Defendants concealed and failed to completely disclose its knowledge that Actos was associated with or could cause bladder cancer or its knowledge that it had failed to fully study and test regarding that risk.

30. Defendants' failure to disclose information that they possessed regarding the failure to adequately study and test Actos for bladder cancer risk further rendered warnings for this medication inadequate.

31. Upon information and belief, Defendants ignored the association between the use of Actos and pioglitazone hydrochloride and the risk of developing bladder cancer.

32. On June 7, 2011, the Caisse nationale de l'assurance maladie, at the request of the French regulatory agency, published a report concluding that there is a statistically significant association between exposure to pioglitazone (Actos) and bladder cancer and that the risk increased with exposure longer than one year.

33. On June 9, 2011, the European Medicine Agency suspended the use of Actos in light of the French Marketing Authorization Committee and the French National Pharmacovigilance Committee's findings regarding the increased risk of bladder cancer.

34. On June 10, 2011, Germany's Federal Institute for Drugs and Medical Devices suspended the use of Actos.

35. On June 15, 2011, the FDA informed the public that use of the diabetes medication Actos for more than one year may be associated with an increased risk of bladder cancer. The Actos label was then changed to reflect this information in the Warnings and Precautions section as well as the patient Medication Guide to include information regarding the risk of bladder cancer.

36. FDA further recommended on June 15, 2011 that healthcare physicians discontinue pioglitazone use in patients with active bladder cancer.

37. On June 17, 2011, Health Canada Press Release indicated that in light of studies suggesting an increased risk of bladder cancer with the diabetes drug pioglitazone, as well as actions taken by other regulatory agencies, Health Canada informed healthcare professionals and Canadians that it is undertaking a review of the drug's status.

38. As a proximate result of Defendants' conduct, **WILLIAM L. NOVAK's** physician prescribed Actos to **WILLIAM L. NOVAK** and **WILLIAM L. NOVAK** used Actos to treat and/or control his diabetic condition.

39. As a result of using Defendants' Actos, **WILLIAM L. NOVAK** was caused to suffer bodily injury including cancerous tumor(s) in his bladder and was thus caused to sustain severe and permanent personal injuries, pain, suffering, and mental anguish.

40. The injuries and damages sustained by **WILLIAM L. NOVAK** were caused or substantially contributed to by Defendants' Actos and the Defendants' wrongful conduct.

41. The product warnings for Actos in effect during the time period **WILLIAM L. NOVAK** used Actos were vague, incomplete or otherwise inadequate, both substantively and graphically, to alert prescribing physicians as well as **WILLIAM L. NOVAK** of the bladder cancer risk associated with this drug.

42. The Defendants did not provide adequate warnings to **WILLIAM L. NOVAK's** doctors, **WILLIAM L. NOVAK**, the health care community and the general public about the increased risk of serious adverse events that are described herein.

43. Had **WILLIAM L. NOVAK** been adequately warned of the potential life-threatening side effects of the Defendants' Actos, **WILLIAM L. NOVAK** would not have purchased or taken Actos and would have chosen to request other treatments or prescription medications.

44. By reason of the foregoing, **WILLIAM L. NOVAK** has developed serious and dangerous side effects including bladder cancer, as well as other severe and personal injuries which are permanent and lasting in nature, physical pain and mental anguish, including diminished enjoyment of life, a risk of future cancer(s), reasonable fear of future cancer, any and all life complications caused by **WILLIAM L. NOVAK's** bladder cancer, as well as the need for lifelong medical treatment, monitoring and/or medications, and fear of developing any of the above and other named health consequences.

**FIRST CAUSE OF ACTION**  
**DEFECT IN MANUFACTURING AND CONSTRUCTION**  
**OHIO REVISED CODE § 2307.74**

45. Plaintiff re-alleges each and every allegation of this Complaint in each of the foregoing paragraphs inclusive, with the same force and effect as if fully set forth herein

46. Defendants defectively manufactured Actos because when it left their control those prescription drugs deviated in a material way from the design specifications, formula, or performance standards of the manufacturer, or from otherwise identical units manufactured to the same design specifications, formula, or performance standards.

47. As a direct and proximate cause of Defendants' defective manufacturing, **WILLIAM L. NOVAK** suffered injuries and damages, the full extent of which will be proven at trial.

**SECOND CAUSE OF ACTION**  
**PRODUCT DEFECT IN DESIGN OR FORMULATION**  
**OHIO REVISED CODE § 2307.75**

48. Plaintiff re-alleges each and every allegation of this Complaint in each of the foregoing paragraphs inclusive, with the same force and effect as if fully set forth herein.

49. At all times herein mentioned, Defendants manufactured, designed, formulated, produced, created, made, constructed and/or assembled Actos used by **WILLIAM L. NOVAK**.

50. Defendants' Actos was defective in that at the time Actos left the control of Defendants, the foreseeable risks associated with its design or formulation exceeded the benefits associated with that design or formulation.



51. The Defendants' Actos was in an unsafe, defective, and inherently dangerous condition that was unreasonably dangerous to its users and, in particular, **WILLIAM L. NOVAK**.

52. At all times herein mentioned, Defendants' Actos was in a defective condition and unsafe, and Defendants knew, had reason to know, or should have known that said Actos was defective and unsafe, especially when used as instructed and in the form and manner as provided by Defendants.

53. The nature and magnitude of the risk of harm associated with the design and formulation of Defendants' Actos, including bladder cancer, is high in light of the intended and reasonably foreseeable use of Actos for type II diabetes.

54. It is highly unlikely that Actos users would be aware of the risks associated with Defendants' Actos through either warnings, general knowledge or otherwise. **WILLIAM L. NOVAK** was not aware of said risks.

55. The likelihood was high that the design or formulation would cause the of bladder cancer, in light of the intended and reasonably foreseeable use of Actos for type II diabetes.

56. The design or formulation did not conform to any applicable public or private product standard that was in effect when the Actos left the control of its manufacturer.

57. The design or formulation of Defendants' Actos is more dangerous than a reasonably prudent consumer would expect when used in the intended or reasonable foreseeable manner. It was more dangerous than Plaintiff expected.

58. The intended or actual utility of Defendants' Actos is not of such benefit to justify the risk of bladder cancer and even death.

59. There was both technical and economic feasibility, at the time the Defendants' Actos left Defendants' control, of using an alternative design or formulation that would not cause bladder cancer.

60. The defective design or formulation of Defendants' Actos was not caused by an inherent characteristic of Actos which is a generic aspect of anti-diabetic medications that cannot be eliminated without substantially compromising Actos' usefulness or desirability and which is recognized by the ordinary person. This is demonstrated by numerous safer alternative therapies that are available on the market to treat type II diabetes, that effectively reduce blood sugar without the harmful side effects, such as bladder cancer, that can result from long-term Actos use.

61. A practical and technically feasible alternative design or formulation was available that would have prevented the harm for which **WILLIAM L. NOVAK** suffered.

62. By reason of the foregoing, the Defendants are liable to the **WILLIAM L. NOVAK**, for the manufacturing, designing, formulating, producing, creating, making, constructing, and/or assembling Actos that is defective in design and formulation.

63. As a direct and proximate cause of Defendants' defective design and formulation, **WILLIAM L. NOVAK** suffered injuries and damages, the full extent of which will be proven at trial.

**THIRD CAUSE OF ACTION**  
**PRODUCT DEFECT DUE TO INADEQUATE**  
**WARNING AND/OR INSTRUCTION**  
**OHIO REVISED CODE § 2307.76**

64. Plaintiff repeats, reiterates, and re-alleges each and every allegation of this Complaint in each of the foregoing paragraphs inclusive, with the same force and effect as if fully set forth herein.

65. Defendants had a duty to warn **WILLIAM L. NOVAK** of the risks associated with the Defendants' Actos, namely, the risk of bladder cancer.

66. Defendants knew, or in the exercise of reasonable care, should have known about the risk bladder cancer.

67. Defendants failed to provide warning or instruction that a manufacturer exercising reasonable care would have provided concerning the risk of bladder cancer, in light of the likelihood that their product would cause bladder cancer, for which **WILLIAM L. NOVAK** suffered.

68. Defendants' Actos is defective due to inadequate post-marketing warning or instruction.

69. Defendants knew, or in the exercise of reasonable care, should have known about the risk that their Actos causes bladder cancer.

70. Defendants failed to provide post-marketing warning or instruction that a manufacture exercising reasonable care would have provided concerning the risk of bladder cancer, for which **WILLIAM L. NOVAK** suffered.

71. Defendants' Actos does not contain a warning or instruction regarding bladder cancer for normal healthy individuals.

72. The risk of bladder cancer is not an open and obvious risk or a risk that is a matter of common knowledge in regards to Actos.

73. By reason of the foregoing, the Defendants are liable to the **WILLIAM L. NOVAK**, for the manufacturing, designing, formulating, producing, creating, making, constructing, and/or assembling of Actos that is defective due to inadequate warning or instruction.

74. As a direct and proximate cause of Defendants' defective warning, **WILLIAM L. NOVAK** suffered injuries and damages, the full extent of which will be proven at trial.

**FOURTH CAUSE OF ACTION**  
**PRODUCT DEFECT IN FAILURE TO CONFORM**  
**TO REPRESENTATIONS OHIO REVISED CODE § 2307.77**

75. Plaintiff repeats, reiterates, and re-alleges each and every allegation of this Complaint in each of the foregoing paragraphs inclusive, with the same force and effect as if fully set forth herein.

76. The Defendants' Actos was defective in that, when it left the control of Defendants, the Actos did not conform to representations made by Defendants.

77. Said representations are false, misleading, and inaccurate.

78. Defendants describe and represent that their Actos has characteristics that simply do not conform to reality. Rather than acknowledging that Defendants' Actos causes bladder cancer, Defendants describe their Actos as being safe.

79. These representations are in stark contrast to the bladder cancer that Defendants' Actos does actually cause.

80. While Plaintiff believes and avers that Defendants acted negligently and recklessly in making the representations, in the event Defendants are not found to have acted negligently or recklessly, Defendants are still liable for the damages and injuries suffered by Plaintiffs pursuant to Ohio Revised Code § 2307.77.

81. By reason of the foregoing, the Defendants are liable to the Plaintiff for the manufacturing, designing, formulating, producing, creating, making, constructing, and/or assembling or a Actos that is defective in that it did not conform, at the time it left the control of Defendants, to representations made by Defendants.



82. As a direct and proximate result of Defendants' violation of Ohio Revised Code §2307.77, **WILLIAM L. NOVAK** has suffered injuries and damages, the full extent of which will be proven at trial.

**FIFTH CAUSE OF ACTION**  
**VIOLATION OF CONSUMER PROTECTION STATUTES**

83. Plaintiff repeats, reiterates, re-alleges each and every allegation contained in this Complaint with the same force and effect as if fully set forth herein.

84. Defendants engaged in commercial conduct by selling Actos.

85. Defendants misrepresented and omitted material information regarding Actos by failing to disclose known risks, including bladder cancer.

86. Defendants' misrepresentations and concealment of material facts constitute unconscionable commercial practices, deception, fraud, false pretenses, misrepresentation, and/or the knowing concealment, suppression, or omission of materials facts with the intent that others rely on such concealment, suppression, or omission in connection with the sale and advertisement of Defendants' product in violation of Chapters 1345 and 4165 of the Ohio Revised Code.

87. Ohio has enacted statutes to protect consumers from deceptive, fraudulent, and unconscionable trade and business practices. Defendants violated these statutes by knowingly and falsely representing that Defendants' products was fit to be used for the purpose for which it was intended, when Defendants knew it was defective, dangerous, unsafe and by other acts alleged herein.

88. Defendants engaged in the deceptive acts and practices alleged herein in order to sell Defendants' product to the public, including **WILLIAM L. NOVAK**.

89. As a direct and proximate result of the Defendants' violations of Chapters 1345 and 4165 of the Ohio Revised Code, **WILLIAM L. NOVAK** suffered bladder cancer and is entitled to compensatory damages, equitable relief, punitive damages, costs and reasonable attorneys' fees.

**SIXTH CAUSE OF ACTION**  
**PUNITIVE DAMAGES**

90. Plaintiff repeats, reiterates, and realleges each and every allegation of this Complaint in each of the foregoing paragraphs inclusive, with the same force and effect as if fully set forth herein.

91. **WILLIAM L. NOVAK's** injury was the result of misconduct of Defendants that manifested a flagrant disregard of the safety of persons who might be harmed by the product in question.

92. Defendants fraudulently and in violation of applicable regulations of the FDA withheld from the FDA information known to be material and relevant to the harm that the **WILLIAM L. NOVAK** suffered or misrepresented to the FDA information of that type.

93. By reason of the foregoing, the Defendants are liable to the Plaintiff for punitive damages, for the manufacturing, designing, formulating, producing, creating, making, constructing, and/or assembling a product that is defective under the Ohio Product Liability Act.

**SEVENTH CAUSE OF ACTION**  
**CONSCIOUS PAIN AND SUFFERING**

94. Plaintiff repeats, reiterates, and realleges each and every allegation of this Complaint in each of the foregoing paragraphs inclusive, with the same force and effect as if fully set forth herein.

95. As a direct and proximate cause of Defendants' negligence, **WILLIAM L. NOVAK** endured conscious pain and suffering.

**EIGHTH CAUSE OF ACTION**  
**WRONGFUL DEATH**

96. Plaintiff repeats, reiterates, and realleges each and every allegation of this Complaint in each of the foregoing paragraphs inclusive, with the same force and effect as if fully set forth herein.

97. As a direct and proximate result of the Defendants' negligence, **WILLIAM L. NOVAK** suffered a premature and wrongful death on May 31, 2013.

98. Pursuant to Ohio Revised Code § 2125.02, the **WILLIAM L. NOVAK's** Estate is entitled to Compensatory damages, including, but not limited to:

- (1) Loss of support from the reasonably expected earning capacity of the decedent;
- (2) Loss of services of the decedent;
- (3) Loss of the society of the decedent, including loss of companionship, consortium, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, and education, suffered by the surviving spouse, dependent children, parents, or next of kin of the decedent;
- (4) Loss of prospective inheritance to the decedent's heirs at law at the time of the decedent's death;
- (5) The mental anguish incurred by the surviving spouse, dependent children, parents, or next of kin of the decedent.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff demands judgment against Defendants, as follows:

- a. Awarding monetary damages to Plaintiff for all of Plaintiff's injuries in an amount to be determined at trial, as alleged herein;
- b. Awarding pre-judgment and post-judgment interest to Plaintiff;
- c. Awarding the costs and the expenses of this litigation to Plaintiff;
- d. Awarding reasonable attorneys' fees and costs to Plaintiff as provided by law; and,
- e. Granting all such other relief as the Court deems necessary, just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby requests a trial by jury of all issues triable by jury

Respectfully submitted,

**PISCITELLI LAW FIRM**

*/s/ Frank E. Piscitelli, Jr.*

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**FRANK E. PISCITELLI, JR. (0062128)**

6151 Wilson Mills Road, Suite 110

Cleveland, Ohio 44143

216.931.7000 Telephone

216.931.9925 Facsimile

frank@feplaw.com

Attorney for Plaintiff



Reg. Dist. No. 1829  
Primary Reg. Dist. No. 1829

## CERTIFICATE OF DEATH

State File No. 2013050492

Registrar's No. 2013-005616

Type or print in permanent blue or black ink

1. Decedent's Legal Name (Include AKA's if any) (First Middle, LAST, suffix) WILLIAM L NOVAK				2. Sex Male		3. Date of Death (Mo/Day/Year) May 31, 2013							
4. Social Security Number 289-26-2468		5a. Age (Years) 81		5b. Under 1 Year Months		5c. Under 1 day Hours Minutes		6. Date of Birth (Mo/Day/Year) November 22, 1931		7. Birthplace (City and State or Foreign Country) CLEVELAND, OHIO			
8a. Residence State OHIO				8b. County CUYAHOGA				8c. City or Town BROOK PARK					
8d. Street and Number 14608 S, GALLATIN BLVD						8e. Apt. No.		8f. Zipcode 44142		8g. Inside City Limits? Yes			
9. Ever in US Armed Forces? Yes		10. Marital Status at Time of Death Widowed (and not remarried)				11. Surviving Spouse's Name (If wife, give name prior to first marriage)							
12. Decedent's Education HIGH SCHOOL GRADUATE OR GED				13. Decedent of Hispanic Origin No				14. Decedent's Race White					
15. Father's Name FRANK NOVAK						16. Mother's Name (prior to first marriage) JENNIE KORCIN							
17a. Informant's Name LINDA ROGERS						17b. Relationship to Decedent Daughter		17c. Mailing Address (Street and Number, City, State, Zip Code) 169 GLENNA LANE NORTH ROYALTON, OHIO 44133					
18a. Place of Death Hospital - Inpatient						18b. Facility Name (If not Institution, give street & number) SOUTHWEST GENERAL HEALTH CENTER				18c. City or Town, State and Zip Code MIDDLEBURG HEIGHTS, OH 44130		18d. County of Death CUYAHOGA	
19. Signature of Funeral Service, Licensed or Other Agent <i>Anthony A. Ripepi for</i>				20. License Number (of licensee) 006969				21. Name and Complete Address of Funeral Facility A RIPEPI & SONS FH INC 18149 BAGLEY RD MIDDLEBURG HEIGHTS, OH 44130					
22a. Method of Disposition Burial				22b. Date of Disposition June 07, 2013				22c. Location (City/Town and State) BROOK PARK, OH					
22c. Place of Disposition (Name of Cemetery, Crematory, or other place) HOLY CROSS CEMETERY				22d. Date of Disposition June 07, 2013				22e. Location (City/Town and State) BROOK PARK, OH					
23. Registrar's Signature <i>Morry a Blech</i>						24. Date Filed JUN 04 2013							
25a. Name of Person Issuing Burial Permit BLECH, MORRY						25b. District No. 1800		25c. Date Burial Permit Issued May 31, 2013					
26a. Certifier (Check only one) <input checked="" type="checkbox"/> Certifying Physician To the best of my knowledge, death occurred at the time, date, and place; and due to the cause(s) and manner stated. <input type="checkbox"/> Coroner On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, and place; and due to the cause(s) and manner stated.				26b. Time of Death 8:55 AM				26c. Date Pronounced Dead (Mo/Day/Year) 5/31/13				26d. Was case referred to coroner? No	
26e. Signature and Title of Certifier <i>Morry a Blech</i>				26f. License number 35.071569				26g. Date Signed 6/4/13					
27. Name (Last, First, Middle) and Address of Person who Completed Cause of Death FETTERMAN, TIMOTHY JAMES, 14401 SNOW ROAD #106 BROOK PARK, OH 44142													
28. Part I. Enter the disease, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line. Type or print in permanent blue or black ink.												Approximate Interval Between Onset and Death	
Immediate Cause (Final disease or condition resulting in death)		a. CARDIO PULMONARY ARREST									MINUTES		
Sequentially list conditions, if any, leading to immediate cause.		b. Due to (or as Consequence of) CORONARY ARTERY DISEASE									YEARS		
Enter Underlying Cause (Disease or injury that initiated events resulting in a death)		c. Due to (or as Consequence of) METASTATIC BLADDER CANCER									YEARS		
		d. Due to (or as Consequence of) BLADDER CANCER									YEARS		
Part II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I. DM / HTN / HYPERLIPIDEMIA, ASBESTOSIS, CAD													
30. Did Tobacco Use Contribute to Death? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Unknown <input type="checkbox"/> No <input type="checkbox"/> Probably				31. If Female, Pregnancy Status <input type="checkbox"/> Not pregnant within past year <input type="checkbox"/> Pregnant at time of death <input type="checkbox"/> Not pregnant, but pregnant within 42 days of death <input type="checkbox"/> Not pregnant, but pregnant 43 days to 1 year before death <input type="checkbox"/> Unknown if pregnant within the past year				32a. Was An Autopsy Performed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		32b. Were Autopsy Findings Available Prior To Completion Of Cause of Death? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable			
32. Manner of Death <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Homicide <input type="checkbox"/> Accident <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Suicide <input type="checkbox"/> Could not be determined													
33a. Date of Injury (Mo/Day/Year)		33b. Time of Injury		33c. Place of Injury (e.g., Decedent's home, construction site, restaurant, wooded area)						33d. Injury at Work? <input type="checkbox"/> Yes <input type="checkbox"/> No			
33e. Location of Injury (Street and Number or Rural Route Number, City or Town, State)													
33f. Describe How Injury Occurred:										33g. If Transportation Injury, Specify: <input type="checkbox"/> Driver/Operator <input type="checkbox"/> Pedestrian <input type="checkbox"/> Passenger <input type="checkbox"/> Other:			

HEA 2724 Rev. 01/07

I HEREBY CERTIFY THIS  
DOCUMENT IS AN EXACT  
COPY OF THE RECORD ON FILE WITH  
THE OHIO DEPARTMENT OF HEALTH.

JN -4 13062238

Morry A. Blech  
MORRY A. BLECH, LOCAL REGISTRAR  
OFFICE OF VITAL STATISTICS  
WITNESS MY SIGNATURE AND SEAL



727948

## Ohio Department of Health \* Office of Vital Statistics

## Application to File an Affidavit to an Ohio Birth or Death Certificate

Please Read All Instructions Before Completing This Form

Crossouts, corrective fluid and typos will not be accepted on this form

## Eligibility

For birth records: You must be the person named on the record and at least 18 years old, a parent listed on the record, or a legal guardian for the child named on the record. If both parents are listed, and the child is a minor (under 18 years old), both parents must sign the affidavit. Corrections to last names, date of birth and gender will not be accepted. This affidavit cannot be used to add a father to a birth record.

For death records: Only the informant or the funeral director may change the non-medical information as listed on the record. Cause of death information may only be changed by the attending physician or the coroner/medical examiner using a medical supplement. Social Security number information will only be changed if documentation is provided.

Once a correction of an item has been made, that item cannot be corrected or amended again except on the order of the court.

\*Please print in ink or type



038512

## Applicant (Person requesting the correction)

Name first, middle, last ANTHONY A RIPEPI JR		
I represent the Person as: <input type="checkbox"/> Self <input type="checkbox"/> Parent <input type="checkbox"/> Guardian <input type="checkbox"/> Informant <input checked="" type="checkbox"/> Funeral director <input type="checkbox"/> Other _____		
Address 18149 BAGLEY ROAD		Daytime phone number 4402608800
City MIDDLEBURG HEIGHTS	State OHIO	ZIP 44130

Original certificate information ☐ Birth record ☒ Death record ☐ Fetal death record

State filing number vol/cert 2013050492		Local registrar number cert 1800-2013005616	
Name as recorded first, middle, last WILLIAM L NOVAK		<input type="checkbox"/> No Name Listed	Sex <input type="checkbox"/> Female <input checked="" type="checkbox"/> Male
Date of event date of birth/date of death May 31, 2013	Place of event City MIDDLEBURG HEIGHTS	County CUYAHOGA	
Mother's full name first, middle, maiden name JENNIE KORCIN			
Father's full name first, middle, last FRANK NOVAK			

## Items to be corrected

Item # / Item name	Information as it appears on original certificate	Correct Information
Informants Mailing Address	169 GLENN LANE	169 GLENA LANE
Informants City	NORTH ROYALTON	BRUNSWICK
Informants Zip Code	44133	44212

## Affidavit of personal knowledge (this section must be signed before a notary public)

State of OHIO County of CUYAHOGABefore me on this date appeared ANTHONY A RIPEPI JR

Person(s) executing affidavit

now residing at 18149 BAGLEY ROAD, MIDDLEBURG HEIGHTS, OHIO 44130

Street

City

State

ZIP

Being duly affirmed say that I/we have personal knowledge that the foregoing facts are true and correct relative to

WILLIAM L NOVAK

(Correct spelling of name)

Signature\*\* Anthony A Ripipi Jr

\*\*Please sign EXACTLY as the name printed above/appears

Signature \_\_\_\_\_

HEA 2726 (Rev. 5/05)



727948

Affirmed to and subscribed before me, this

11 day of June 2013Signature of Notary Josephine Korcic

Josephine Korcic

Date Commission Expires October 28, 2013

Notary Public, State of Ohio



2013050492

**PROBATE COURT OF CUYAHOGA COUNTY, OHIO**

ANTHONY J. RUSSO, PRESIDING JUDGE  
LAURA J. GALLAGHER, JUDGE

ESTATE OF: **WILLIAM L. NOVAK DECEASED**

Case Number: **2013EST189939**

**ENTRY APPOINTING FIDUCIARY; LETTERS OF AUTHORITY**

(For Executors and all Administrators)

Name of Fiduciary: **LINDA ROGERS; ;**

On hearing in open court the application of the above fiduciary for authority to administer decedent's estate, the Court finds that:

Decedent died (check one of the following)

- ☒ testate  
☐ intestate

on **05/31/2013**, domiciled in **BROOKPARK, OH 44142-0000**.

(Check one of the following)

- ☒ Bond is dispensed with by the Will  
☐ Bond is dispensed with by law  
☐ Applicant has executed and filed an appropriate bond, which is approved by the Court; and

Applicant is a suitable and competent person to execute the trust.

The court therefore appoints applicant as such fiduciary, with the power conferred by law to fully administer decedent's estate. This entry of appointment constitutes the fiduciary's letters of authority.

**06/18/2013**

Date appointed



JUDGE LAURA J. GALLAGHER

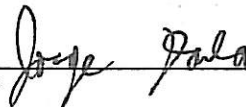
**CERTIFICATE OF APPOINTMENT AND INCUMBENCY**

The above document is a true copy of the original kept by me as custodian of the records of this Court. It constitutes the appointment and letters of authority of the named fiduciary, who is qualified and acting in such capacity.

(Seal)

**ANTHONY J. RUSSO, PRESIDING JUDGE**

Deputy Clerk



**06/18/2013**  
Issue Date

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DIVISION OF LOUISIANA

IN RE: ACTOS (PIOGLITAZONE)	)	
PRODUCT LIABILITY LITIGATION	)	JUDGE REBECCA DOHERTY
	)	
	)	MAGISTRATE HANNA
<hr/>	)	
<i>This Document Relates To:</i>	)	
	)	MDL NO: 2299
<i>William L. Novak v. Takeda Pharmaceuticals</i>	)	
<i>International, Inc., et al.</i>	)	
<i>Civil Action No. 6:12-CV-01241</i>	)	
<hr/>	)	

[proposed] ORDER GRANTING SUBSTITUTION OF PLAINTIFF  
AND MOTION TO AMEND COMPLAINT, *INSTANTER*

For good cause shown it is hereby ORDERED, ADJUDGED and DECREED that The Motion to Substitute plaintiff in this matter is GRANTED. Linda Rogers, as Executrix of the Estate of William L. Novak, shall be substituted as Plaintiff for William L. Novak, Deceased. Further, Plaintiff's Motion to Amend Complaint, *Instanter*, is granted.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge Rebecca Doherty