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LOUISIANA CIVIL CASE REPORTING
Civil Case Cover Sheet - LA. R.S. 13:4688 and
Part G, §13, Louisiana Supreme Court General Administrative Rules

This civil case cover sheet shall be completed by counsel for the petitioner, counsel's authorized representative, or by the self-represented litigant (if not represented by counsel) and submitted with the original petition filed with the court. The information should be the best available at the time of filing. This information does not constitute a discovery request, response or supplementation, and is not admissible at trial.

CODED

Suit Caption:

CORY P JENKINS

vs. BRISTOL-MYERS SQUIB

Court: 24th Judicial DistrictDocket Number: 743490Parish of Filing: JeffersonFiling Date: 10/17/2014Name of Lead Petitioner's Attorney: PERRY R STAUB JR

Name of Self-Represented Litigant: _____

Number of named petitioners: 1Number of named defendants: 2

Type of Lawsuit: Please check the categories which most appropriately apply to this suit (no more than 3 categories should be checked):

- | | |
|---|--|
| <input type="checkbox"/> Auto: Personal Injury | <input type="checkbox"/> Auto: Property Damage |
| <input type="checkbox"/> Auto: Wrongful Death | <input type="checkbox"/> Auto: Uninsured Motorist |
| <input type="checkbox"/> Asbestos: Property Damage | <input type="checkbox"/> Asbestos: Personal Injury/Death |
| <input checked="" type="checkbox"/> Product Liability | <input type="checkbox"/> Premise Liability |
| <input type="checkbox"/> Intentional Bodily Injury | <input type="checkbox"/> Intentional Property Damage |
| <input type="checkbox"/> Intentional Wrongful Death | <input type="checkbox"/> Unfair Business Practice |
| <input type="checkbox"/> Business Tort | <input type="checkbox"/> Fraud |
| <input type="checkbox"/> Defamation | <input type="checkbox"/> Professional Negligence |
| <input type="checkbox"/> Environmental Tort | <input type="checkbox"/> Medical Malpractice |
| <input type="checkbox"/> Intellectual Property | <input type="checkbox"/> Toxic Tort |
| <input type="checkbox"/> Legal Malpractice | <input type="checkbox"/> Other Tort (describe below) |
| <input type="checkbox"/> Other Professional Malpractice | <input type="checkbox"/> Redhibition |
| <input type="checkbox"/> Maritime | <input type="checkbox"/> Class action (nature of case) |
| <input type="checkbox"/> Wrongful Death | |
| <input type="checkbox"/> General Negligence | |

Please briefly describe the nature of the litigation in one sentence of additional detail:

Following the completion of this form by counsel, counsel's representative, or by the self-represented litigant, this document will be submitted to the Office of the Judicial Administrator, Supreme Court of Louisiana, by the Clerk of Court.

Name, address and contact information of person completing form:

Name PERRY R STAUB JR Signature /s/ PERRY R STAUB JR

Address 1100 POYDRAS STREET STE 2100

Phone number: 504-599-8500 E-mail address: PSTAUB@TAGGARTMORTON.COM

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EXHIBITA

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 743-490

DIVISION:

SECTION: 0

CODED

CORY JENKINS

VERSUS

BRISTOL-MYERS SQUIBB COMPANY AND OTSUKA AMERICA
PHARMACEUTICAL, INC.

FILED:

DEPUTY CLERK

PETITION FOR DAMAGES

The Petition of Cory Jenkins, a person of the full age of majority, domiciled and residing within the Parish of Jefferson, State of Louisiana, respectfully represents:

I.

Defendant, Bristol-Myers Squibb Company, upon information and belief, is a corporation duly authorized and existing under the laws of the State of Delaware, having its principal place of business at 345 Park Avenue, New York, New York.

II.

Defendant, Otsuka America Pharmaceutical, Inc., upon information and belief, is a corporation authorized to do business within the State of Louisiana, which maintains its principal place of business at 2440 Research Blvd., Rockville, MD 20850, and whose registered agent for service of process in Louisiana is CT Corporation System, 5615 Corporate Blvd., Ste. 400B, Baton Rouge, La. 70808.

III.

This is a proceeding brought on behalf of the Plaintiff, Cory Jenkins, seeking damages for personal injuries suffered as a result of the Plaintiff's ingestion of a dangerous pharmaceutical product (Abilify) which was continuously manufactured, marketed, advertised and distributed to the general public by Defendants, Bristol-Myers Squibb Company and Otsuka America Pharmaceutical, Inc.

IV.

At all times herein, defendant, Bristol-Myers Squibb Company (hereinafter "Bristol-Myers") was and is a corporation incorporated, operating and existing under the laws of

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incorporation, of the State of Delaware, continuously doing business in various states of the United States for monetary profit, and also within this judicial district. Otsuka America Pharmaceutical, Inc. (hereinafter "Otsuka") has listed its principal place of business with the Louisiana Secretary of State as 2440 Research Blvd., Rockville, MD 20850. Otsuka has been continuously doing business for profit, in Maryland, and in other U. S. jurisdictions including this judicial district.

V.

At all times herein mentioned, Defendants Bristol-Myers and Otsuka, have purposefully marketed, designed, manufactured, tested, analyzed, distributed, recommended, merchandised, advertised, promoted, supplied and sold to distributors for resale to physicians, hospitals, medical practitioners and the general public, a certain pharmaceutical product, hereinafter referred to as Abilify – also known as aripiprazole, in interstate commerce and in this judicial district.

VI.

At all times herein mentioned, Defendants, Bristol-Myers and Otsuka were the actors engaged in the acts herein alleged, acting through their agents and employees, and at all times, the actions and omissions asserted in this pleading were committed by agents or employees acting within the purpose and scope of said agency and/or employment, and/or all of said acts and conduct were ratified and approved by said Defendants.

VII.

Plaintiff, Cory Jenkins, was started on Abilify (2 mg) on or about October 19, 2010. Plaintiff had been prescribed medication to treat Bipolar II Disorder. On or about October 19, 2010, Abilify was added to his medication to treat this disorder.

VIII.

On or about 2013, Plaintiff began to develop symptoms of restlessness and twitching of his upper and lower extremities. These symptoms were initially sporadic, but progressed in intensity. Plaintiff was eventually diagnosed with Tardive Dyskinesia. At the present time, plaintiff has chronic and continued restlessness and twitching of the upper and lower extremities, facial tics, jaw clenching and clucking, and constant eye blinking.

IX.

Sometime in the first part of 2014, Plaintiff was informed that the Tardive Dyskinesia was related to his having taken Abilify.

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X.

As a direct, proximate and legal result of the ingestion of Abilify, Plaintiff, Cory Jenkins suffered injuries in a sum in excess of the jurisdictional amount required by this Court.

XI.

Defendants, Bristol-Myers and Otsuka aggressively marketed Abilify in the United States, and in this judicial district. The defendants undertook advertising campaigns promoting the virtues of Abilify in order to induce widespread use of the product.

XII.

Defendants are in violation of the Louisiana Products Liability law (and any other jurisdiction's similar provisions of law, which are plead in the alternative) in the following unexclusive particulars:

A. Unreasonably dangerous in design;

1. The manufacture and marketing of Abilify was unreasonably dangerous in design with the high likelihood that the anticipated use and ingestion of Abilify would cause Tardive Dyskinesia in users such as Plaintiff, Cory Jenkins;
2. The defendants failed to consider an alternative "design" of said medication that would not cause Tardive Dyskinesia.

B. Inadequate warnings and failure to warn of onset of Tardive Dyskinesia;

1. The manufacture and marketing of Abilify was also unreasonably dangerous because an adequate warning about the product had not been provided at the time Plaintiff Jenkins was prescribed Abilify, and to this day the warnings are inadequate to inform users of the inherent danger involved in taking the medication, including the onset of Tardive Dyskinesia.
2. Failure to warn of the dangers of continuous use to a reasonable user of Abilify such as Plaintiff Cory Jenkins.

C. Inadequate warnings as to the severity of the condition of Tardive Dyskinesia.

D. Inadequate warnings as to the procedures necessary to monitor patients while taking Abilify.

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XIII.

Plaintiff alleges that defendants failed to properly warn of the dangers of developing Tardive Dyskinesia and further failed to outline the appropriate procedures and periodic testing, including administering the AIMS (Abnormal Involuntary Movement Scale) test, which would alert health care providers, as to the development of Tardive Dyskinesia, a debilitating, permanent and untreatable disorder. If defendants had properly warned of the severity of Tardive Dyskinesia, of the importance of properly monitoring patients taking Abilify to prevent the onset of Tardive Dyskinesia, and informed health care providers of what periodic monitoring tests were necessary, Plaintiff would not have contracted Tardive Dyskinesia.

XIV.

At all times Plaintiff, Cory Jenkins, used Abilify as set forth by his physicians constituting "reasonably anticipated use" and/or "normal use."

XV.

As a result of developing Tardive Dyskinesia from his use of Abilify, Plaintiff has suffered damages for which he seeks compensation, including but not limited to:

- a. Medical expenses, past, present and future – in an amount to be shown at the trial of this matter;
- b. Lost wages, past, present and future – in an amount to be shown at the trial of this matter;
- c. General damages, including pain and suffering, mental anguish, etc. – in an amount to be shown at the trial of this matter.

XVI.

Accordingly, Plaintiff, Cory Jenkins, prays for damages reasonable on the premises for the above losses and damage.

WHEREFORE, Petitioner, Cory Jenkins, prays that this petition be allowed and filed; that defendants, Bristol-Myers Squibb Company and Otsuka America Pharmaceutical, Inc., be notified, cited, and ordered to appear and answer these allegations; that after all due proceedings shall be had, that there be judgment in favor of Petitioner and against defendants in amounts reasonable in the premises, together with judicial interest from the date of the filing of this petition until paid in full; and for all costs of these proceedings for the reasons set forth

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hereinabove; together with all other general, equitable and just relief with justice of this cause may demand.

Respectfully submitted,

TAGGART MORTON, L.L.C.



Perry R. Staub, Jr. (Bar Roll No. 12414)
Janet D. McGrew (Bar Roll No. 01321)
1100 Poydras Street, Suite 2100
New Orleans, Louisiana 70163-2100
Tel: (504) 599-8500; Fax: (504) 599-8501

COUNSEL FOR PETITIONER,
CORY JENKINS

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