UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

RICHARD E. FOSTER,

Plaintiff,

v.

ASTRAZENECA PHARMACEUTICALS LP; ASTRAZENECA LP; ASTRA USA INC.; ASTRAZENECA AB; ASTRAZENECA UK LTD; and ASTRAZENECA, PLC;

Defendants

COMPLAINT AND DEMAND FOR JURY TRIAL

INTRODUCTION

1. This is a personal injury action against Defendants who were responsible for designing, researching, developing, testing, manufacturing, packaging, labeling, marketing, promoting, distributing, and/or selling proton pump inhibitors ("PPI"s), which are prescription and over-the-counter medications herein collectively referred to as PPIs.

2. PPIs are used to reduce the production of acid in order to reduce the risk of duodenal ulcer recurrence and NSAID-associated gastric ulcers as well as to treat gastroesophageal reflux disease ("GERD") and certain pathological hypersecretory conditions including Zollinger-Ellison syndrome.

3. Plaintiff in this case, Richard E. Foster, ingested PPIs and Nexium from approximately 2010 to 2016, which resulted in injuries to his kidneys including Chronic Kidney Disease in approximately 2010.

JURISDICTION AND VENUE

4. 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 interests and costs, and because Defendants are all incorporated and have their principal places of business in states other than the state in which the named Plaintiff resides.

5. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because a substantial part of the events giving rise to Plaintiff's claims occurred, in part, in the Western District of Missouri.

6. Because a substantial part of the events or omissions giving rise to the claim occurred in this District, Defendants transacts a substantial amount of business in this District, or Defendants otherwise has sufficient contacts with this District to justify it being fairly brought into this District, and Plaintiff resides in this District and was first injured in this District.

PARTIES

7. Plaintiff, Richard E. Foster, is a natural person and a resident of Kansas City, Missouri and ingested PPIs and Nexium as prescribed and/or directed by his physician.

8. Plaintiff, Richard E. Foster was injured as a result of his use of PPIs and Nexium, and therefore seeks damages for pain and suffering, ascertainable economic losses, attorneys' fees, reimbursement costs of obtaining PPIs and Nexium, reimbursement for all past, present, and future health and medical care costs related to PPIs and Nexium.

9. Defendant ASTRAZENECA PHARMACEUTICALS LP is a Delaware corporation, which has its principal place of business at 1800 Concord Pike, Wilmington, DE 19897.

10. Defendant ASTRAZENECA LP is a Delaware corporation, which has its principal place of business at 1800 Concord Pike, Wilmington, DE 19897.

11. Defendant ASTRA USA INC. is a Delaware corporation, which has its principal place of business at 1800 Concord Pike, P.O. Box 15437, Wilmington, DE 19850-5437.

12. Defendant ASTRAZENECA AB is a foreign corporation, which has its principal place of business at Västra Mälarehamnen, 9 Södertälje SE-151 85, Sweden.

13. Defendant ASTRAZENECA UK LTD is a foreign corporation with its principal place of business located at 2 Kingdom Street, London W2 6BD, United Kingdom.

14. Defendant ASTRAZENECA PLC is a foreign corporation with its principal place of business located at 2 Kingdom Street, London W2 6BD, United Kingdom.

15. On information and belief, ASTRAZENECA PLC is either the direct or indirect owner of substantially all the stock or other ownership interests of ASTRAZENECA PHARMACEUTICALS LP and ASTRAZENECA LP.

16. In doing the acts alleged herein, said Defendants were acting in the course and scope of such agency, representation, joint venture, conspiracy, consultancy, predecessor agreement, successor agreement, service and employment, with knowledge, acquiescence, and ratification of each other (hereinafter ASTRAZENECA PLC, ASTRAZENECA PHARMACEUTICALS LP, and ASTRAZENECA LP are collectively referred to as "ASTRAZENECA").

17. In doing the acts alleged herein, said Defendants were acting in the course and scope of such agency, representation, joint venture, conspiracy, consultancy, predecessor agreement, successor agreement, service and employment, with knowledge, acquiescence, and ratification of each other (hereinafter ASTRAZENECA PLC, ASTRAZENECA

PHARMACEUTICALS LP, and ASTRAZENECA LP are collectively referred to as "ASTRAZENECA").

18. On information and belief, Defendants have transacted and conducted business in the State of Missouri, and/or contracted to supply goods and services within the State of Missouri, and these causes of action have arisen from the same.

19. On 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 and the State of Missouri.

20. On information and belief, at all relevant times, Defendants derived and derive substantial revenue from goods and products used in the State of Missouri and from interstate commerce.

21. On information and belief, at all relevant times, Defendants committed tortious acts within the State of Missouri causing injury within the State of Missouri, out of which act(s) these causes of action arise.

SUMMARY OF THE CASE

22. As a result of the defective nature of PPIs, persons who ingested this product, including Plaintiff, have suffered and may continue to suffer from kidney injuries including acute interstitial nephritis ("AIN"), acute kidney injuries ("AKI"), chronic kidney disease ("CKD") and renal failure, also known as end-stage renal disease ("ESRD").

23. Defendants concealed and continue to conceal their knowledge of PPIs' unreasonably dangerous risks from Plaintiff, his physicians, other consumers, and the medical community. Specifically, Defendants failed to adequately inform consumers and the prescribing medical community about the magnified risk of kidney injuries related to the use of PPIs.

24. As a result of Defendants' actions and inactions, Plaintiff was injured due to his ingestion of PPIs, which caused and will continue to cause Plaintiff's injuries and damages. Plaintiff accordingly seeks damages associated with these injuries.

FACTUAL ALLEGATIONS

25. Over 60 million Americans experience heartburn, a major symptom of GERD, at least once a month and some studies have suggested more than 15 million Americans experience heartburn on a daily basis.

26. About 21 million Americans used one or more prescription PPIs in 2009 accounting for nearly 20% of the drugs' global sales and earning an estimated $11 billion annually.

27. Upon information and belief, from 2003 to the present, PPIs have been one of the top ten best-selling and most dispensed forms of prescription medication in the United States each year.

28. PPIs are one of the most commercially successful groups of medication in the United States. Upon information and belief, between the period of 2008 and 2013, prescription PPIs had a sale of over $50 billion with approximately 240 million units dispensed.

29. Defendants, directly or through their agents, apparent agents, servants, or employees designed, manufactured, marketed, advertised, distributed, promoted, and sold PPIs.

30. In October of 1992, three years after the FDA's initial PPI approval, researchers from the University of Arizona Health Sciences Center led by Stephen Ruffenach published the first article associating PPI usage with kidney injuries in The American Journal of Medicine, followed by years of reports from national adverse drug registries describing this association.

31. In 2006, researchers at the Yale School of Medicine conducted a case series published in the International Society of Nephrology's Kidney International finding that PPI use, by way of AIN, left most patients "with some level of chronic kidney disease."

32. On August 23, 2011, Public Citizen, a consumer advocacy group, filed a petition with the FDA to add black box warnings and other safety information concerning several risks associated with PPIs including AIN.

33. According to the petition, at the time of its filing there was "no detailed risk information on any PPI for this adverse effect."

34. On October 31, 2014, more than three years after Public Citizen's petition, the FDA responded by requiring consistent labeling regarding risk of AIN on all prescription PPIs.

35. The FDA noted "that the prescription PPI labeling should be consistent with regard to this risk" and that "there is reasonable evidence of a causal association."

36. In December of 2014, the labels of prescription PPIs were updated to read:

> *Acute interstitial nephritis has been observed in patients taking PPIs including [Brand]. Acute interstitial nephritis may occur at any point during PPI therapy and is generally attributed to an idiopathic hypersensitivity reaction. Discontinue [Brand] if acute interstitial nephritis develops.*

37. The FDA did not require the consistent labeling regarding risk of AIN on over-the-counter PPIs.

38. In January of 2016, a study published in the Journal of the American Medical Association found that PPI use was independently associated with a 20 – 50% higher risk of CKD.

39. In February of 2016, a study published in the Journal of the American Society of Nephrology found that "exposure to PPI is associated with increased risk of development of CKD, progression of kidney disease, and risk of ESRD."

40. To date, over-the-counter PPIs lack detailed risk information for AIN.

41. To date, prescription and over-the-counter PPIs lack detailed risk information for CKD.

42. Parietal cells in the stomach lining secrete gastric juices containing hydrochloric acid to catalyze the digestion of proteins.

43. Excess acid secretion results in the formation of most ulcers in the gastroesophageal system and symptoms of heartburn and acid reflux.

44. PPIs irreversibly block the acidic hydrogen/potassium ATPase enzyme system (H+/K+ ATPase) of the gastric parietal cells, thereby halting the production of most hydrochloric acid.

45. In spite of their commercial success and global popularity, up to 70% of PPIs may be used inappropriately for indications or durations that were never tested or approved.

46. As a result of the defective nature of PPIs, even if used as directed by a physician or healthcare professional, persons who ingested PPIs have been exposed to significant risks stemming from unindicated and/or long-term usage.

47. From these findings, PPIs and/or their metabolites – substances formed via metabolism – have been found to deposit within the spaces between the tubules of the kidney and act in such a way to mediate acute interstitial nephritis ("AIN"), a sudden kidney inflammation that can result in mild to severe problems.

48. PPI-induced AIN is difficult to diagnose with less than half of patients reporting a fever and, instead, most commonly complaining of non-specific symptoms such as fatigue, nausea, and weakness.

49. In April 2016, a study published in the Journal of Nephrology suggested that the development of and failure to treat AIN could lead to chronic kidney disease and end-stage renal disease, which requires dialysis or kidney transplant to manage.

50. CKD describes a slow and progressive decline in kidney function that may result in ESRD. As the kidneys lose their ability to function properly, wastes can build to high levels in the blood resulting in numerous, serious complications ranging from nerve damage and heart disease to kidney failure and death.

51. Prompt diagnosis and rapid withdrawal of the offending agent are key in order to preserve kidney function. While AIN can be treated completely, once it has progressed to CKD it is incurable and can only be managed, which, combined with the lack of numerous early-onset symptoms, highlights the need for screening of at-risk individuals.

52. Consumers, including the Plaintiff, who have used PPIs for the treatment of increased gastric acid have and had several alternative safer products available to treat the conditions and have not been adequately warned about the significant risks and lack of benefits associated with PPI therapy.

53. Defendants, through their affirmative misrepresentations and omissions, actively concealed from Plaintiff and his physicians the true and significant risks associated with PPI use.

54. Defendants concealed and continue to conceal their knowledge that PPIs can cause kidney injuries from Plaintiff, other consumers, and the medical community. Specifically, Defendants have failed to adequately inform consumers and the prescribing medical community against the serious risks associated with PPIs and have completely failed to warn against the risk of CKD and ESRD.

55. As a result of Defendants' actions and inactions, Plaintiff was injured due to his ingestion of PPIs, which caused and will continue to cause Plaintiff various injuries and damages. Plaintiff accordingly seeks damages associated with these injuries.

56. As a result of Defendants' actions, Plaintiff and his prescribing physicians were unaware, and could not have reasonably known or have learned through reasonable diligence, that Plaintiff had been exposed to the risks identified in this Complaint, and that those risks were the direct and proximate result of Defendants' acts, omissions, and misrepresentations.

57. As a direct result of ingesting PPIs, Plaintiff has been permanently and severely injured, having suffered serious consequences from PPI use. Plaintiff requires and will in the future require ongoing medical care and treatment.

58. Plaintiff, as a direct and proximate result of PPI use, suffered severe mental and physical pain and suffering and has and will sustain permanent injuries and emotional distress, along with economic loss due to medical expenses, and living related expenses due to his new lifestyle.

59. Plaintiff would not have used PPIs had Defendants properly disclosed the risks associated with long-term use.

ESTOPPEL FROM PLEADING AND TOLLING OF APPLICABLE STATUTES OF LIMITATIONS

60. The running of any statute of limitation has been tolled by reason of the Defendants' conduct. The Defendants, through their affirmative misrepresentations and omissions, actively concealed from Plaintiff and Plaintiff's treating physicians the true risks associated with PPIs.

61. As a result of the Defendants' actions, Plaintiff and Plaintiff's treating physicians were unaware, and could not reasonably know or have learned through reasonable diligence that Plaintiff had been exposed to the risks alleged herein and that those risks were the direct and proximate result of Defendants' acts and omissions.

62. Furthermore, the Defendants are estopped from relying on any statute of limitations because of their concealment of the truth, quality and nature of PPIs. The Defendants were under a duty to disclose the true character, quality and nature of PPIs because this was non-public information that the Defendants had and continue to have exclusive control, and because the Defendants knew that this information was not available to the Plaintiff, their medical providers, and/or to their health facilities.

63. Defendants had the ability to and did spend enormous amounts of money in furtherance of their purpose of marketing and promoting a profitable drug, notwithstanding the known or reasonably known risks. Plaintiff and medical professionals could not have afforded and could not have possibly conducted studies to determine the nature, extent and identity of related health risks, and were forced to rely on Defendants' representations.

COUNT I
VIOLATION OF THE MISSOURI MERCHANDISING PRACTICES ACT

Mo. Ann. Stat. § 407.010 *et seq.*

64. The paragraphs above are incorporated by reference hereto as if set forth at length.

65. As a result of Defendant's actions, PPI and Nexium sales were an enormous source of profits for Defendants and accordingly, Defendants had a significant financial incentive to suppress, misrepresent omit and/or conceal any potential dangers or risks associated with PPIs and Nexium.

66. Defendants acted for the purpose of maximizing profits at the expense of, and notwithstanding the very real risk to others.

67. In connection with the advertising, marketing, sale, and distribution of PPIs and Nexium.

68. Defendants engaged in the acts and practices including deception, false promises, misrepresentation, and/or the concealment, suppression, or omission of material facts, each of which constitutes an unlawful and/or unfair practices in violation of the Missouri Merchandising Practices Act, Mo. Rev. Stat. §§ 407.010 et seq.

69. In addition to the affirmative misrepresentations outlined herein in violation of the Missouri Merchandising Practices Act, Defendants also omitted material facts in violation of the statute in that Defendants failed to disclose material facts known to it, or upon reasonable inquiry would be known to it.

70. In addition, Defendants engaged in unfair practices that either (1) offend public policy; (2) are unethical, oppressive or unscrupulous; (3) or present a risk of or cause substantial injury to consumers in violation of the Missouri Merchandising Practices Act. See 15 CSR § 60-8.020.

71. Defendants also engaged in methods, use or practices which violate state or federal law intended to protect the public and present a risk of, or cause substantial injury to consumers in violation of the Missouri Merchandising Practices Act. See 15 CSR § 60-8.090.

72. As a result of purchasing PPIs and Nexium, Plaintiff suffered ascertainable loss.

73. Punitive damages are warranted in this case based on Defendants evil motive and/or conscious disregard and/or reckless indifference to the rights and/or safety of Plaintiff and others.

COUNT II
NEGLIGENCE

74. The paragraphs above are incorporated by reference hereto as if set forth at length.

75. Defendants owed a duty to manufacture, compound, label, market, distribute, and supply and/or sell their PPI in such a way as to avoid harm to persons upon whom they are used, such as Plaintiff, Richard E. Foster, or to refrain from such activities following knowledge and/or constructive knowledge that such product is harmful to persons upon whom it is used.

76. Defendants owed a duty to warn of the hazards and dangers associated with the use of its products for patients such as, Plaintiff, Richard E. Foster herein, so as to avoid harm.

77. Defendants, acting by and through their authorized divisions, subsidiaries, agents, servants, and employees, were guilty of carelessness, recklessness, negligence, gross negligence and willful, wanton, outrageous and reckless disregard for human life and safety in manufacturing, designing, labeling, marketing, distributing, supplying, selling and/or placing into the stream of commerce their proton pump inhibitor products, including in the following particular respects:

a. failing to conduct adequate and appropriate testing of its proton pump inhibitor products;

b. putting proton pump inhibitor products on the market without first conducting adequate testing to determine possible side effects;

c. putting proton pump inhibitor products on the market without adequate testing their dangers to humans;

d. failing to recognize the significance of their own and other testing of, and information regarding proton pump inhibitor products, which testing evidenced such products are potentially harmful to humans;

e. failing to respond promptly and appropriately to their own and other testing of, and information regarding proton pump inhibitor products, which indicated such products are potentially harmful to human;

f. failing to promptly and adequately warn of the potential of proton pump inhibitor products to be harmful to humans;

g. failing to promptly and adequately warn of the potential for kidney injuries including acute interstitial nephritis, acute kidney injuries, and chronic kidney disease when using proton pump inhibitor products;

h. failing to promptly, adequately, and appropriately recommend testing and monitoring of patients upon whom these products were used in light of such products potential harm to humans;

i. failing to properly, appropriately, and adequately monitor the post-market performance of proton pump inhibitors and such products effects on patients;

j. concealing from the FDA, National Institutes of Health, the general medical community and/or physicians, their full knowledge and experience regarding the potential that proton pump inhibitors are harmful to humans;

k. promoting, marketing, advertising and/or selling PPIs for use on patients given their knowledge and experience of such products' potential harmful effects;

l. failing to withdraw PPIs from the market, restrict their use and/or warn of such products' potential dangers, given their knowledge of the potential for its harm to humans;

m. failing to fulfill the standard of care required of a reasonable, prudent, products manufacturer engaged in the manufacture of PPIs

n. placing and/or permitting the placement of PPIs into the stream of commerce without warnings of the potential for said products to be harmful to humans and/or without properly warning of said products' dangerousness;

o. Failing to disclose to the medical community in an appropriate and timely manner, facts relative to the potential of PPIs to be harmful to humans;

p. failing to respond or react promptly and appropriately to reports of PPIs causing harm to patients;

q. disregarding the safety of users and consumers of PPIs, including Plaintiff, Richard E. Foster, under the circumstances by failing adequately to warn of said products' potential harm to humans;

r. disregarding the safety of users and consumers of PPIs, including Plaintiff, Richard E. Foster, and/or his physicians' and/or hospital, under the circumstances by failing to withdraw said products from the market and/or restrict their usage;

s. disregarding publicity, government and/or industry studies, information, documentation and recommendations, consumer complaints and reports and/or other information regarding the hazards of PPIs and their potential harm to humans;

t. failing to exercise reasonable care in informing physicians and/or hospitals using PPIs about their own knowledge regarding said products' potential harm to humans;

u. failing to remove PPIs products from the stream of commerce;

v. failing to test PPIs properly and/or adequately so as to determine there safety for use;

w. promoting PPIs on websites aimed at creating user and consumer demand;

y. failing to conduct and/or respond to post-marketing surveillance of complications and injuries;

z. failing to use due care under the circumstances; and,

aa. such other acts or omissions constituting negligence and carelessness as may appear during the course of discovery or at the trial of this matter.

COUNT III
STRICT PRODUCTS LIABILITY

78. The paragraphs above are incorporated by reference hereto as if set forth at length.

79. As a result of the unreasonably dangerous and defective condition of PPIs, which Defendants manufactured, designed, labeled, marketed, distributed, supplied, sold and/or placed into the stream of commerce, they are strictly liable to the Plaintiff for his injuries that they directly and proximately caused, based on the following:

a. failing to provide adequate warnings with their proton pump inhibitor ; and

b. failing to properly and adequately design their product.

80. Because of Defendants' failures, Plaintiff, Richard E. Foster used the PPIs, which the Defendants manufactured, designed, sold, supplied, marketed or otherwise introduced into the stream of commerce.

81. As a direct and proximate result of Defendants' PPIs, Plaintiff, Richard E. Foster suffered kidney injuries.

COUNT IV
BREACH OF EXPRESS WARRANTY

82. The paragraphs above are incorporated by reference hereto as if set forth at length.

83. In the advertising and marketing of PPIs, Defendants warranted that their products were safe for the use, which had the natural tendency to induce physicians and hospitals to use the same for patients and for patients to want to be treated with the same.

84. The aforesaid warranties were breached by Defendants and constituted a serious danger to the user.

85. As a direct and proximate result of Defendants' breach of warranty as described herein, Plaintiff, Richard E. Foster suffered the injuries and damages as set forth above.

COUNT V
BREACH OF IMPLIED WARRANTY

86. The paragraphs above are incorporated by reference hereto as if set forth at length.

87. At all relevant and material times, Defendants manufactured, distributed, advertised, promoted, and sold their PPIs that block the production of stomach acid in order to reduce the risk of duodenal ulcer recurrence and NSAID-associated gastric ulcers as well as to

treat gastroesophageal reflux disease ("GERD") and certain pathological hypersecretory conditions including Zollinger-Ellison syndrome.

88. At all relevant times, Defendants intended that their PPI be used in the manner that the Decedent's physician in fact used it and Defendants impliedly warranted the product to be of merchantable quality, safe and fit for such use, and was adequately tested.

89. Defendants breached various implied warranties with respect to the products, including:

a. Defendants represented through their labeling, advertising, marketing materials, detail persons, seminar presentations, publications, notice letters, and regulatory submissions that the products were safe, and withheld and concealed information about the substantial risks of serious injury associated with long term use of PPIs;

b. Defendant represented that PPIs were safe to use every day;

90. In reliance upon Defendants' implied warrant, Plaintiff, Richard E. Foster used said PPI and in the foreseeable manner promoted, instructed, and marketed by Defendants.

91. Defendants breached their implied warranty to, Plaintiff, Richard E. Foster in that PPIs are not of merchantable quality, safe and fit for their intended use, or adequately tested.

92. As a direct and proximate result of Defendants' breach of warranty as described herein, Plaintiff, Richard E. Foster suffered the injuries and damages as set forth above.

COUNT VI
FRAUDULENT MISREPRESENTATION AND OMISSION

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

94. Defendant, having undertaken design, formulation, testing, manufacture, marketing, sale, and distribution of PPIs owed a duty to provide accurate and complete information regarding said drug.

95. Defendants fraudulently misrepresented that the daily use of their PPI was safe and effective.

96. Defendant had a duty to provide consumers with true and accurate information regarding the PPIs it manufactured, marketed, distributed and sold.

97. Defendants made representations and failed to disclose material facts with the intent to induce consumers, including Plaintiff, Richard E. Foster and the medical community to act in reliance by purchasing and using the proton pump inhibitor sold by Defendants.

98. Plaintiff, Richard E. Foster and the medical community justifiably relied on Defendants' representations and omissions by purchasing and taking proton pump inhibitors.

99. As a direct and proximate result of Defendants' representations and omissions as described herein, Plaintiff, Richard E. Foster suffered the injuries and damages as set forth above.

COUNT VII
NEGLIGENT MISREPRESENTATION

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

101. Defendants supplied the public and Plaintiff's healthcare providers with materially false and incomplete information with respect to the safety of PPIs.

102. The false information supplied by Defendants was that their product was safe.

103. In supplying this false information, Defendants failed to exercise reasonable care.

104. The false information communicated by Defendants to the Plaintiff and his healthcare providers was material and Plaintiff, Richard E. Foster justifiably relied in good faith on the information to their detriment.

105. As a direct and proximate result of Defendants' representations and omissions as described herein, Plaintiff suffered the injuries and damages as set forth above.

COUNT VIII
VIOLATION OF CONSUMER PROTECTION ACT

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

107. The actions of Defendants, as set forth herein, in withholding from doctors, healthcare providers, and consumers information regarding defects and risks of the PPIs constituted a deceptive and fraudulent practice under the applicable consumer protection statutes.

108. By denying relevant material and important information from the consumer and the consumer's health care providers, Defendants marketed the PPIs at issue under false pretense. Such actions constitute an unfair and deceptive practice in violation of applicable consumer protection statutes.

109. By failing to provide information regarding risks and known defects in design, Defendants acted in a manner to conceal and suppress material information about the product at issue so as to consummate a sale of the same. Such actions constitute an unfair and deceptive practice in violation of applicable consumer protection statutes.

110. As a direct and proximate result of these violations of the applicable consumer protection statutes, Plaintiff, Richard E. Foster suffered the injuries and damages as set forth above.

PRAYER FOR RELIEF

WHEREFORE, for the foregoing reasons, Plaintiff prays the Court for judgment against Defendants in an amount to be determined at trial, as appropriate for:

a. compensatory, restitution and general damages in an amount that is fair and reasonable and just;

b. punitive damages, against Defendants as appropriate, in the amount set forth above;

c. reasonable and/or statutory attorneys' fees under state laws;

d. costs of suit;

e. prejudgment and post judgment interest thereon at 8% or other appropriate rate as provided for by statute; and

f. such other and further relief as the Court deems just, appropriate and equitable.

DEMAND FOR JURY TRIAL

Plaintiff, Richard E. Foster, hereby demands a trial by jury on all claims so triable.

Date: October 14, 2016

/s/ Paul J. Pennock
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JS 44 (Rev 09/10)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

CIVIL COVER SHEET

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Western District of Missouri.

The completed cover sheet must be saved as a pdf document and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff(s):	**Defendant(s):**
First Listed Plaintiff:	First Listed Defendant:
Richard E. Foster ;	ASTRAZENECA PHARMACEUTICALS LP ;
1 Citizen of This State;	5 Incorporated and Principal Place of Business in Another State; Delaware
County of Residence: Jackson County	**County of Residence:** Outside This District

County Where Claim For Relief Arose: Jackson County

Plaintiff's Attorney(s):	**Defendant's Attorney(s):**
Bradley D. Honnold (Richard Foster) GOZA & HONNOLD, LLC 11181 Overbrook Rd., Suite 200 Leawood, Kansas 66211 **Phone:** 913 451 3433 **Fax:** 913 273 0509 **Email:**	

Basis of Jurisdiction: 4. Diversity of Citizenship

Citizenship of Principal Parties (Diversity Cases Only)

Plaintiff: 1 Citizen of This State

Defendant: 5 Incorporated and Principal Place of Business in Another State

Origin: 1. Original Proceeding

Nature of Suit: 367 Health Care/Pharmaceutical Product Liability

Cause of Action: Products liability litigation

Requested in Complaint

Class Action: Not filed as a Class Action

Monetary Demand (in Thousands):

Jury Demand: Yes

Related Cases: Is NOT a refiling of a previously dismissed action

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Signature: /s/ Bradley D. Honnold

Date: 10/14/2016

If any of this information is incorrect, please close this window and go back to the Civil Cover Sheet Input form to make the correction and generate the updated JS44. Once corrected, print this form, sign and date it, and submit it with your new civil action.