UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUSIANA

IRENE ADAMS Plaintiff, v. SANOFI S.A., AVENTIS PHARMA S.A., SANOFI US SERVICES INC., and SANOFI-AVENTIS U.S. LLC, Defendants.	:	COMPLAINT AND DEMAND FOR JURY TRIAL Case No. 2:16-cv-16299

COMPLAINT

Plaintiff Irene Adams, ("Plaintiff"), residing in Hope Hull, Alabama, by and through her undersigned counsel, hereby submits the following Complaint and Demand for Jury Trial against Defendants Sanofi S.A., Aventis Pharma S.A., Sanofi U.S. Services Inc., and Sanofi-Aventis U.S. LLC, ("Defendants") and alleges the following upon personal knowledge and belief, and investigation of counsel:

I. NATURE OF THE ACTION

1. This case involves the prescription chemotherapy drug Taxotere, with the active ingredient docetaxel, ("Taxotere") which is manufactured, sold, distributed and promoted by Defendants for the treatment of various types of cancer, including breast cancer.

2. Taxotere can cause serious medical problems, including but not limited to permanent alopecia, or hair loss. Permanent alopecia is a disfiguring condition, especially for women.

3. Defendants engaged in aggressive marketing and advertising campaigns for Taxotere that misled the consumers of Taxotere and the medical community as to the drug's safety and efficacy. As a result, consumers have suffered injuries including permanent alopecia.

II. PARTIES

4. Plaintiff Irene Adams has resided in, been a citizen of, and is a natural person of the State of Alabama at all relevant times herein.

5. Plaintiff used the prescription Taxotere as prescribed and directed by her physician.

6. Defendant Sanofi S.A. is a corporation or Société Anonyme organized and existing under the laws of France, having its principal place of business at 54 rue La Boétie, 75008 Paris, France.

7. Upon information or belief, Defendants Aventis Pharma S.A., Sanofi U.S. Services Inc., and Sanofi-Aventis U.S. LLC are wholly-owned subsidiaries of Defendant Sanofi S.A., which owns 100% of the financial and voting member interest in these Defendants.

8. Defendant Aventis Pharma S.A. is a corporation or Société Anonyme organized and existing under the laws of France, having its principal place of business at 20 avenue Raymond Aron, 92160, Antony, France.

9. Defendant Sanofi U.S. Services Inc. is a Delaware corporation, which has its principal place of business at 55 Corporate Drive, Bridgewater, New Jersey 08807. Defendant Sanofi U.S. Services Inc. was formerly known as Sanofi-Aventis U.S. Inc.

10. Defendant Sanofi-Aventis U.S. LLC is a Delaware limited liability company, which has its principal place of business at 55 Corporate Drive, Bridgewater, New Jersey 08807.

Defendant Sanofi-Aventis U.S. LLC does not have any members that are citizens, residents, or domiciles of the State of Alabama.

11. Upon information or belief, in 1999 French company Rhône-Poulenc Rorer S.A., and its U.S. subsidiary, merged with the German corporation Hoechst Marion Roussel, and its U.S. subsidiary, to form Aventis Pharma S.A. and Aventis Pharmaceuticals in the U.S. In 2004, Sanofi-Synthelabo merged with Aventis to form Sanofi-Aventis in France and the United States. In 2011, Sanofi-Aventis S.A. changed its name to Sanofi S.A.

12. At all relevant times, Defendants acted in conjunction with other affiliated, related, jointly-owned and/or controlled entities or subsidiaries, including each other, in the development, marketing, production, labeling, promoting, distribution, packaging, advertising, and/or selling of Taxotere. Defendants acted jointly and/or as each other's agents, within the course and scope of the agency, with respect to the conduct alleged in this Complaint, such that any individuality and separateness between Defendants had ceased and these Defendants became the alter-ego of one another and are jointly-liable for their misconduct and wrongful acts as alleged herein.

13. As the corporate parent of these wholly-owned subsidiaries, Sanofi S.A. directs and controls the operations of Aventis Pharma S.A., Sanofi U.S. Services Inc., and Sanofi-Aventis U.S. LLC. Accordingly, there exists, and at all relevant times herein existed, a unity of interest, ownership, and conduct between Sanofi S.A., Aventis Pharma S.A., Sanofi U.S. Services Inc., and Sanofi-Aventis U.S. LLC, with regard to the manufacture, distribution, development, testing, and labeling of the Taxotere and other related conduct, such that any individuality and separateness between Defendants had ceased and these Defendants became the alter-ego of one another.

14. Sanofi S.A., through its various affiliates, wholly-owned subsidiaries, and predecessor companies, including Sanofi U.S. Services Inc., Aventis Pharma S.A. and Sanofi-Aventis U.S. LLC, has been directly involved in and has overseen the invention, development, clinical trials, and strategy for marketing, distributing, selling, and promoting Taxotere throughout the United States and the world.

15. At all times herein mentioned, Defendants, engaged in interstate commerce when they advertised, promoted, supplied, and sold to distributors and retailers for resale to physicians, hospitals, medical practitioners, and the general public the pharmaceutical product, Taxotere, in this judicial district.

III. JURISDICTION AND VENUE

16. Venue and jurisdiction are proper in this Court as part of the IN RE: Taxotere (Docetaxel) Products Liability Litigation, pursuant to the Transfer Order issued by the United States Judicial Panel on Multidistrict Litigation according to 28 U.S.C. § 1407. Furthermore, this Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332, as there is complete diversity of citizenship between Plaintiff and Defendants, and the amount in controversy exceeds $75,000, exclusive of interest and costs.

17. Additionally, venue is proper in the Middle District of Alabama, Montgomery Division, pursuant to 28 U.S.C. §1391, as a substantial part of the events giving rise to these claims occurred within this district, including the prescription and use of Taxotere, as well as Plaintiff's resulting injuries.

18. The Court has personal jurisdiction over Defendants consistent with the Alabama and United States Constitutions, and pursuant to Alabama Civil Rule 4.2, because Defendants caused tortious injury in Alabama by an act or omission outside Alabama by virtue of Defendants'

regularly conducted business in Alabama from which they respectively derive substantial revenue. Defendants do substantial business in the State of Alabama and within the Middle District of Alabama, advertise in this district, and receive substantial compensation and profits from sales of Taxotere within that District.

19. Defendants expected or should have expected that their business activities could or would have consequences within the State of Alabama, as well as throughout the United States.

IV. FACTS

DEVELOPMENT AND REGULATORY APPROVAL OF TAXOTERE

20. Chemotherapy is the use of anti-cancer drugs to treat cancer. Chemotherapy can stop the growth of a tumor, shrink the size of a tumor, kill cancer cells that have spread to other parts of the body, and decrease the chance that cancer will recur.

21. Among the family of chemotherapy drugs are Taxanes. Taxanes block cell growth by interfering with microtubules, cellular structures that help move chromosomes during mitosis. Taxane agents include the drugs Taxotere (docetaxel) and Taxol (paclitaxel).

22. Taxol was developed, manufactured, and distributed by Bristol-Myers Squibb. Taxol first received U.S. Food and Drug Administration ("FDA") approval in December 1992.

23. Rhône-Poulenc Rorer S.A., a predecessor of Aventis Pharma S.A., received the initial patent for the formulation and computation of Taxotere, and initially sought FDA approval for Taxotere through its U.S. representative in 1994. The FDA unanimously recommended rejecting approval of Taxotere, because Taxotere was more toxic than Taxol, and more studies of docetaxel's side effects were needed.

24. The FDA approved Taxotere on May 14, 1996 for treating locally advanced or metastatic breast cancer after prior chemotherapy treatments failed.

25. After this initial FDA approval, the FDA granted approval for additional indications for Taxotere. In doing so, Defendants claimed superiority over other chemotherapy products approved for breast cancer treatment.

MISLEADING MARKETING OF TAXOTERE IN THE UNITED STATES

26. In marketing Taxotere, Defendants have continually made false claims of superior efficacy and omitted safety information.

False Claims of Superior Efficacy

27. On or about November 12, 2003, the FDA sent a warning letter to Aventis Pharmaceuticals North America objecting to the dissemination of three violative direct-to-consumer print advertisements for Taxotere.

28. The FDA found the advertisements misleading because "they suggest that Taxotere is more effective than has been demonstrated by substantial evidence or substantial clinical experience."

29. In its November correspondence, the FDA also noted that it had previously requested that a "Dear Doctor" letter be destroyed because it made misleading, effectiveness claims overstating the drug's survival benefits. The FDA was "particularly concerned" about the "Dear Doctor" letter.

30. In 2008, a study, *Weekly Paclitaxel in the Adjuvant Treatment of Breast Cancer*, was published in the New England Journal of Medicine. The study compared the efficacy of docetaxel (Taxotere) and paclitaxel (Taxol) in the adjuvant treatment of breast cancer.

31. The study concluded that weekly paclitaxel with doxorubicin and cyclophosphamide were more effective than docetaxel in improving disease-free and overall survival in women with breast cancer.

32. Following this study, FDA issued another letter on April 16, 2009, stating that promotional material for Taxotere again had unsubstantiated superiority claims and overstatements of efficacy.

33. Specifically, the FDA found that the promotional materials "misleadingly suggest that Taxotere is superior to paclitaxel in the treatment of patients with locally advanced or metastatic breast cancer after failure of prior chemotherapy, and overstate the efficacy of Taxotere. FDA is unaware of substantial evidence to support these claims."

34. A Qui Tam lawsuit was also filed against Sanofi-Aventis U.S. Inc. and affiliated entities in the United States District Court for the Eastern District of Pennsylvania by a former employee. In the lawsuit, Sanofi-Aventis, its predecessors and its affiliates are accused of engaging in a fraudulent marketing scheme, paying kickbacks, and providing other unlawful incentives to entice doctors to use Taxotere. *See U.S. ex rel. Gohil v. Sanofi-Aventis U.S. Inc., Civil Action No. 02-2964 (E.D. Pa. 2015).*

Omitted Safety Information

35. Although alopecia can be a common side effect related to chemotherapy drugs, permanent alopecia is not. Defendants, through their publications, promotion and marketing materials, misled physicians, health care professions and the public, including Plaintiff, in the United States regarding the risk of permanent alopecia.

36. In the November 2003 FDA letter referenced above, the FDA states that the advertisements for Taxotere omit and minimize the risk information. According to the FDA's letter, the advertisements do not discuss common side effects associated with Taxotere, including hair loss.

37. On or about May 28, 2007, Defendants issued a press release touting the efficacy of Taxotere based upon a clinical study, GEICAM 9805.

38. However, Defendants failed to inform the public and health care providers that in the GEICAM 9805 study, alopecia persisted into the follow-up period (10 years and 5 months was the median follow-up time) and was observed to be ongoing in 9.2% of the patients taking Taxotere.

39. Despite Defendants' knowledge of the relevant findings from the GEICAM 9805 study, as well as reports of patients who had taken Taxotere and suffered from permanent alopecia, Defendants failed to provide accurate information and proper warnings to physicians, healthcare providers, and patients in the United States, including Plaintiff. Defendants failed to inform physicians, healthcare providers, and the public that patients who take Taxotere are at a significantly increased risk of suffering from permanent alopecia.

40. While Defendants did advise physicians, patients, and regulatory agencies in other countries, including Canada and the European Union, that Taxotere causes an increased risk of permanent alopecia, such warnings do not appear in information published by Defendants in the United States prior to December 2015.

FACTS REGARDING PLAINTIFF IRENE ADAMS

41. On or around July 23, 2014, Plaintiff was diagnosed with breast cancer.

42. Following her diagnosis, Plaintiff consulted her oncologist to discuss her treatment options.

43. Plaintiff underwent chemotherapy, which included Taxotere, from approximately August 2014 through approximately November 2014. Before or during Plaintiff's treatment with

Taxotere, neither Plaintiff nor her healthcare providers were aware of or informed by Defendants that permanent alopecia can occur following treatment with Taxotere.

44. After undergoing chemotherapy with Taxotere, Plaintiff suffered from, and continues to suffer from, permanent alopecia as a result of receiving chemotherapy.

45. Women who experience permanent alopecia suffer great mental anguish as well as economic damages, including but not limited to loss of work or inability to work due to significant psychological damage.

46. There were already products on the market at least as effective as Taxotere that did not subject users to the same risk of permanent alopecia, but users of Taxotere were not presented with the opportunity to make an informed choice as to whether the benefits of Taxotere were worth its associated risks.

47. Defendants engaged in a pattern of deception by overstating the benefits of Taxotere as compared to other alternatives while simultaneously failing to warn of the risk of permanent alopecia.

48. As a direct result of Defendants' wrongful and deceptive acts, users of Taxotere, including Plaintiff, were exposed to the risk of permanent alopecia without any warning and without the claimed increased efficacy.

49. As a direct result of Defendants' failure to warn patients of the risk of permanent alopecia in the United States, thousands of women, including Plaintiff, as well as their health care providers, were deprived of the opportunity to make an informed decision as to whether the benefits of using Taxotere over other comparable products was justified.

50. Plaintiff files this lawsuit within two (2) years of first suspecting that the Taxotere was the cause of appreciable harm sustained by Plaintiff, within two (2) years of first suspecting or

having reason to suspect any wrongdoing, and within the applicable limitations period of first discovering their injuries and the wrongful conduct that caused such injuries. Plaintiff could not by the exercise of reasonable diligence have discovered any wrongdoing, nor could Plaintiff have discovered the causes of her injuries at an earlier time because some injuries occurred without initial perceptible trauma or harm, and when Plaintiff's injuries were discovered, their causes were not immediately known.

51. Until recently, Plaintiff did not suspect, nor did she have reason to suspect, that wrongdoing had caused her injuries. In addition, Plaintiff did not have reason to suspect the tortious nature of the conduct causing the injuries until recently and has filed the herein action well within the applicable statute of limitations period. Plaintiff had no knowledge of the wrongful conduct of the Defendants as set forth herein, nor did Plaintiff have access to the information regarding other injuries and complaints in the possession of Defendants. Additionally, Plaintiff was prevented from discovering this information sooner because Defendants misrepresented and continue to misrepresent to the public, to the medical profession and to Plaintiff that Taxotere is safe and free from serious side effects. Defendants have fraudulently concealed facts and information that could have led Plaintiff to an earlier discovery of potential causes of action.

52. As alleged herein, as a direct, proximate, and legal result of Defendants' negligence and wrongful conduct, and the unreasonably dangerous and defective characteristics of the drug, Plaintiff suffered severe and permanent physical and emotional injuries, including, but not limited to permanent alopecia. Plaintiff has endured pain and suffering, has suffered economic loss, and will continue to incur such losses in the future. Plaintiff seeks actual and punitive damages from Defendants as alleged herein.

COUNT I
STRICT LIABILITY – INADEQUATE WARNINGS AND INSTRUCTIONS
(Pursuant to Ala. Code §§ 6-5-500 et seq, and Common Law)

53. Plaintiff incorporates by reference herein each of the allegations heretofore set forth in this Complaint as though fully set forth herein.

54. Taxotere manufactured and/or supplied by Defendants was defective due to inadequate warnings or instructions because Defendants knew or should have known that the product created significant risks of serious bodily harm to consumers, including but not limited to permanent alopecia, and they failed to adequately warn consumers and/or their health care providers of such risks.

55. The Taxotere manufactured and/or supplied by Defendants was defective due to inadequate post-marketing warnings or instructions because, after Defendants knew or should have known of the risk of serious bodily harm from the use of Taxotere, Defendants failed to provide an adequate warning to consumers and/or their health care providers of the product, knowing the product could cause serious injury.

56. Plaintiff and her healthcare provider were unaware of the risk of such bodily harm, and as a direct and proximate result of Plaintiff's reasonably anticipated use of Taxotere, she suffered the serious bodily harm for which Defendants failed to provide adequate warnings or instructions.

57. As a direct and proximate result of Defendants' actions in their manufacture, design, formulation, production, creation, supply, promotion, advertisement, distribution and sale of Taxotere and Plaintiff's reasonably anticipated use of Taxotere as manufactured, designed, sold, supplied, marketed and/or introduced into the stream of commerce by Defendants, Plaintiff suffered serious injury, harm, mental anguish, damages, economic and non-economic loss and will continue to suffer such harm, damages and losses in the future.

58. Defendants' conduct was committed with knowing, conscious, wanton, willful, and deliberate disregard for the value of human life and the rights and safety of consumers, including Plaintiff, thereby entitling Plaintiff to recover punitive and exemplary damages so as to punish Defendants and deter them from similar conduct in the future.

COUNT II
NEGLIGENCE

59. Plaintiff incorporates by reference each of the allegations set forth in this Complaint as though set forth herein.

60. At all times relevant to this action, Defendants manufactured, designed, formulated, compounded, tested, produced, processed, inspected, researched, distributed, marketed, promoted, labeled, packaged, prepared for use, and sold Taxotere.

61. At all times herein mentioned, Defendants had a duty to properly manufacture, design, formulate, compound, test, produce, process, inspect, research, distribute, market, label, package, prepare for use, sell, promote and adequately warn of the risks and dangers of Taxotere.

62. The Taxotere was expected to and did reach the ultimate users, including Plaintiff, without substantial change in the condition in which it was sold.

63. Defendants had a duty to warn Plaintiff and her physician of the risks of serious harm associated with Taxotere, as well as its defective nature.

64. Defendants failed to provide warnings or instructions that a manufacturer exercising reasonable care would have provided concerning these risks.

65. Defendants failed to provide post-marketing warnings or instructions that a manufacturer exercising reasonable care would have provided concerning said risks, for which Plaintiff suffered.

66. Defendants falsely represented to Plaintiff and her healthcare providers that Taxotere was a safe and effective chemotherapy option without the risks associated with it.

67. At the time these representations were made, Defendants concealed from Plaintiff and her healthcare providers, information about the propensity of Taxotere to cause serious harm. Defendants' claims regarding the safety and efficacy of Taxotere failed to provide an accurate and/or adequate warning of Taxotere's risks to Plaintiff and her healthcare providers despite Defendants awareness of these risks.

68. Despite the fact that Defendants knew or should have known that Taxotere caused unreasonable, dangerous side effects, Defendants continued to market Taxotere to consumers including Plaintiff, when there were safer alternative chemotherapy treatments available, which were just as effective, and did not pose the same risk of these unreasonable and dangerous side effects.

69. Defendants knew or should have known that consumers, including Plaintiff, would foreseeably suffer injury as a result of Defendants' failure to exercise ordinary care as described above.

70. Plaintiff suffered such injuries.

71. At all times herein mentioned, Defendants negligently and carelessly manufactured, designed, formulated, compounded, tested, produced, processed, inspected, researched, distributed, marketed, promoted, labeled, packaged, prepared for use, and sold Taxotere and failed to adequately test and warn of the risks and dangers of Taxotere.

72. As a direct and proximate result of Defendants' negligence in their manufacture, design, formulation, production, creation, supply, promotion, advertisement, distribution and sale of Taxotere and Plaintiff's reasonably anticipated use of Taxotere as manufactured, designed, sold,

supplied, marketed and/or introduced into the stream of commerce by Defendants, Plaintiff suffered serious injury, harm, mental anguish, damages, economic and non-economic loss and will continue to suffer such harm, damages and losses in the future.

73. Defendants' conduct was committed with knowing, conscious, wanton, willful, and deliberate disregard for the value of human life and the rights and safety of consumers, including Plaintiff, thereby entitling Plaintiff to recover punitive and exemplary damages so as to punish Defendants and deter them from similar conduct in the future.

COUNT III
FRAUD

74. Plaintiff incorporates by reference here each of the allegations set forth in this Complaint as though set forth fully herein.

75. Defendants, from the time they first tested, studied, researched, evaluated, endorsed, manufactured, marketed and distributed Taxotere, and up to the present, willfully deceived Plaintiff by concealing from them, Plaintiff's physicians and the general public, the true facts concerning Taxotere, which the Defendants had a duty to disclose.

76. At all times herein mentioned, Defendants conducted a sales and marketing campaign to promote the sale of Taxotere and willfully deceive Plaintiff, Plaintiff's physicians and the general public as to the benefits, health risks and consequences of using Taxotere. Defendants knew of the foregoing, that using Taxotere is hazardous to health, that Taxotere is not more effective than safer alternatives available, and that Taxotere has a propensity to cause serious injuries to its users, including but not limited to the injuries Plaintiff suffered.

77. Such fraudulent and misleading conduct includes the individual instances described herein, including promotional materials found to be misleading by the FDA as described in the

aforementioned letters, and failure to warn U.S. consumers and doctors of the risks Defendants were aware of and had disclosed to consumers and doctors in other countries.

78. Defendants concealed and suppressed the true facts concerning Taxotere with the intent to defraud Plaintiff, in that Defendants knew that Plaintiff's physicians would not prescribe Taxotere, and Plaintiff would not have used Taxotere, if they were aware of the true facts concerning its dangers.

79. As a result of Defendants' fraudulent and deceitful conduct, Plaintiff suffered serious injury, harm, mental anguish, damages, economic and non-economic loss and will continue to suffer such harm, damages and losses in the future.

80. Defendants' conduct was committed with knowing, conscious, wanton, willful, and deliberate disregard for the value of human life and the rights and safety of consumers, including Plaintiff, thereby entitling Plaintiff to recover punitive and exemplary damages so as to punish Defendants and deter them from similar conduct in the future.

COUNT IV
PUNITIVE DAMAGES

81. Plaintiff incorporates by reference each of the allegations set forth in this Complaint as though fully set forth herein.

82. The acts, conduct, and omissions of Defendants, as alleged throughout this Complaint, were willful and malicious. Defendants committed these acts with a conscious disregard for the rights of Plaintiff and other Taxotere users and for the primary purpose of increasing Defendants' profits from the sale and distribution of Taxotere. Defendants' outrageous and unconscionable conduct warrants an award of exemplary and punitive damages against Defendants in an amount appropriate to punish and make an example of Defendants.

83. Prior to the manufacturing, sale, and distribution of Taxotere, Defendants knew that said medication was in a defective condition as previously described herein and knew that those who were prescribed the medication would experience and did experience severe physical, mental, and emotional injuries. Further, Defendants, through their officers, directors, managers, and agents, knew that the medication presented a substantial and unreasonable risk of harm to the public, including Plaintiff and as such, Defendants unreasonably subjected consumers of said drugs to risk of serious and permanent injury from using Taxotere.

84. Despite their knowledge, Defendants, acting through their officers, directors and managing agents for the purpose of enhancing Defendants' profits, knowingly and deliberately failed to remedy the known defects in Taxotere and failed to warn the public, including Plaintiff, of the extreme risk of injury occasioned by said defects inherent in Taxotere. Defendants and their agents, officers, and directors intentionally proceeded with the manufacturing, sale, and distribution and marketing of Taxotere knowing these actions would expose persons to serious danger in order to advance Defendants' pecuniary interest and monetary profits.

85. Defendants' conduct was despicable and so contemptible that it would be looked down upon and despised by ordinary decent people, and was carried on by Defendants with willful and conscious disregard for the safety of Plaintiff, entitling Plaintiff to exemplary damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief and judgment against Defendants as follows:

A. For an award of compensatory damages, including damages against Defendants and each of them for pain and suffering, medical and hospital expenses, loss of income, permanent disability, and other damages according to proof at trial in excess of $75,000;

B. For an award of punitive or exemplary damages against Defendants and each of them in excess of $75,000;

C. For reasonable attorneys' fees and costs;

D. For pre-judgment interest;

E. Restitution, disgorgement of profits, and other equitable relief; and

F. For such further relief as this Court deems necessary, just, equitable and proper.

Dated: November 10, 2016

Respectfully Submitted,

/s/ Carasusana B. Wall

Carasusana B. Wall (OH 0090234)
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Counsel for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all counts and as to all issues.

Dated: November 10, 2016

Respectfully Submitted,

/s/ Carasusana B. Wall
Carasusana B. Wall (OH 0090234)
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Counsel for Plaintiff

JS 44 (Rev. 3/13)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

Irene Adams

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

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

Zoll & Kranz, LLC
6620 West Central Ave., Suite 100, Toledo, Ohio 43617
(419) 841-9623

DEFENDANTS

Sanofi-Aventis U.S. LLC, Sanofi S.A., Aventis Pharma S.A., Sanofi US Services Inc.

County of Residence of First Listed Defendant Somerset County, New Jersey
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ✓ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	1	1	Incorporated *or* Principal Place of Business In This State	4	4
Citizen of Another State	✓ 2	2	Incorporated *and* Principal Place of Business In Another State	5	✓ 5
Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6

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

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

V. ORIGIN *(Place an "X" in One Box Only)*

☑ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District *(specify)* ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

(Enter U.S. Civil Statute under which you are filing and write a brief statement of cause.)

28 U.S.C. sec. 1332 - This action involves a product liability claim arising out of the use of Taxotere.

VII. Previous Bankruptcy Matters

(For nature of suit 422 and 423, enter the case number and judge for any associated bankruptcy matter previously adjudicated by a judge of this Court. Use a separate attachment if necessary.

n/a

VIII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

DEMAND $ $75,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☑ Yes ☐ No

IX. RELATED CASE(S) IF ANY

(See instructions): JUDGE Hon. Kurt D. Engelhardt DOCKET NUMBER 16-MD-2740

X. This case (check one box) ☑ **Is not a refiling of a previously dismissed action** ☐ is a refiling of case number _____ previously dismissed by Judge _____

DATE 11/10/2016

SIGNATURE OF ATTORNEY OF RECORD /s/ Carasusana B. Wall

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. **(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)

III. **Residence (citizenship) of Principal Parties**. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. **Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. **Origin**. Place an "X" in one of the six boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service

VII. **Previous Bankruptcy Matters** For nature of suit 422 and 423 enter the case number and judge for any associated bankruptcy matter previously adjudicated by a judge of this court. Use a separate attachment if necessary.

VIII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

IX. **Related Cases**. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

X. **Refiling Information.** Place an "X" in one of the two boxes indicating if the case is or is not a refilling of a previously dismissed action. If it is a refiling of a previously dismissed action, insert the case number and judge.

Date and Attorney Signature. Date and sign the civil cover sheet.