EFiled: May 22 2017 12:34PM EDT
Transaction ID 60628434
Case No. N17C-05-317 TAL

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

VALERIE CURRY, Plaintiff, vs. JOHNSON & JOHNSON; JOHNSON & JOHNSON CONSUMER INC. F/K/A JOHNSON & JOHNSON CONSUMER COMPANIES, INC.; OMJ PHARMACEUTICALS, INC. F/K/A JOHNSON & JOHNSON BABY PRODUCTS, INC.; and IMERYS TALC AMERICA, INC. F/K/A LUZENAC AMERICA, INC., Defendants.	**CASE NO.** **COMPLAINT** **JURY TRIAL DEMANDED** **TALCUM POWDER**

FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW Plaintiff VALERIE CURRY (hereinafter "Plaintiff" or "Ms. Curry") by and through undersigned counsel, and brings this action for personal injuries and damages against Defendants JOHNSON & JOHNSON; JOHNSON & JOHNSON CONSUMER INC. F/K/A JOHNSON & JOHNSON CONSUMER COMPANIES, INC.; OMJ PHARMACEUTICALS, INC. F/K/A JOHNSON & JOHNSON BABY PRODUCTS, INC.; and IMERYS TALC AMERICA, INC. F/K/A LUZENAC AMERICA, INC. (collectively referred to as "Defendants").[1] Plaintiff's Amended Complaint differs from the original Complaint by adding OMJ PHARMACEUTICALS, INC. F/K/A JOHNSON & JOHNSON BABY

[1] Plaintiff amends her complaint in order to bring individual claims in accordance with the Order of the Court, C.A. N16C-12-420 TAL, D.I. 16, as well as to add OMJ Pharmaceuticals, Inc. as a named defendant, pursuant to written consent of the parties, D.I. 17 and Superior Court Rule 15(a). Changes from the original complaint to the First Amended Complaint are shown on the attached redlined First Amended Complaint, attached at Ex. A.

PRODUCTS, INC. as a defendant and bringing causes of action against OMJ PHARMACEUTICALS, INC. F/K/A JOHNSON & JOHNSON BABY PRODUCTS, INC., including but not limited to Strict Liability Failure to Warn, Strict Liability Design Defect, Negligence, Breach of Express Warranty, Breach of Implied Warranty, Civil Conspiracy, Fraud, Fraudulent Misrepresentation and Intentional Concealment, and Negligent Concealment.

SUMMARY OF ALLEGATIONS

1. Plaintiff brings this product liability action against Defendants for injuries caused by her continuous use of Johnson & Johnson's baby powder and Shower-to-Shower consumer products (hereinafter, the "PRODUCTS") which were mined by Imerys Talc, manufactured by Johnson & Johnson, and marketed by Johnson & Johnson's wholly owned subsidiaries OMJ Pharmaceuticals, Inc. and Johnson & Johnson Consumer Companies, Inc. Defendants' PRODUCTS each contain talc powder, which caused Ms. Curry to develop Ovarian Cancer after she used the PRODUCTS in her perineal area.

2. Ms. Curry seeks recovery for damages as a result of developing ovarian cancer, which was directly and proximately caused by such wrongful conduct by Defendants, the unreasonably dangerous and defective nature of the PRODUCTS and talcum powder, and the attendant effects of developing ovarian cancer.

3. At all relevant times, all Defendants were engaged in the research, development, manufacture, design, testing, sale and marketing of PRODUCTS, and introduced such products into interstate commerce with knowledge and intent that such products be sold in all States, including but not limited to the State of Delaware.

4. Defendants concealed and continue to conceal their knowledge of talc powder's unreasonably dangerous risks from Ms. Curry, other consumers, and the medical community.

Specifically, Defendants failed to adequately inform Ms. Curry, consumers, and the medical community about the known risks of Ovarian Cancer associated with perineal use of the PRODUCTS.

PARTY PLAINTIFF

5. Plaintiff VALERIE CURRY, is a competent individual over the age of 18 currently residing in Kentucky and hereby submits to the jurisdiction of this Court and alleges that Venue in this Court is proper. Ms. Curry regularly used Defendants' PRODUCTS in her perineal region and suffered from severe physical, economic, and emotional injuries as a result of her use of Defendants' PRODUCTS, including but not limited to Ovarian Cancer diagnosed in 2012.

PARTY DEFENDANTS

6. Defendant IMERYS TALC AMERICA, INC. f/k/a LUZENAC AMERICA, INC. is a Delaware corporation with its principal place of business in the State of California.

7. At all relevant times, IMERYS TALC AMERICA, INC. f/k/a LUZENAC AMERICA, INC. (hereinafter described as "Imerys Talc" or "Imerys Talc America, Inc."), has been in the business of mining and distributing talcum powder for use in talcum powder based products, including the PRODUCTS; the PRODUCTS were placed into Delaware's stream of commerce for sale to Delaware consumers. Imerys Talc is the successor or continuation of Luzenac America, Inc., and Imerys Talc America, Inc. is legally responsible for all liabilities incurred when it was known as Luzenac America, Inc.

8. Defendant OMJ PHARMACEUTICALS, INC. F/K/A JOHNSON & JOHNSON BABY PRODUCTS, INC. is a Delaware corporation.

9. At all relevant times, OMJ PHARMACEUTICALS, INC. F/K/A JOHNSON & JOHNSON BABY PRODUCTS, INC. (hereinafter described as "OMJ"), has been a wholly owned subsidiary of JOHNSON & JOHNSON, and has been directed by its parent company to manufacture, market, test, promote, sell, and/or distribute the PRODUCTS. At all relevant times, OMJ regularly transacted, solicited, and conducted business in all States of the United States, including the State of Delaware. OMJ received shipments of talc from Imerys that were purchased by JOHNSON & JOHNSON CONSUMER COMPANIES, INC. and delivered to OMJ's plant in the State of Georgia.

10. On November 21, 2008, JOHNSON & JOHNSON BABY PRODUCTS, INC. merged with OMJ. OMJ is the successor in interest and was the surviving company that assumed all liabilities and received all assets from JOHNSON & JOHNSON BABY PRODUCTS, INC.

11. Defendant, JOHNSON & JOHNSON, is a New Jersey corporation with its principal place of business in the State of New Jersey.

12. At all relevant times, JOHNSON & JOHNSON was engaged in the business of manufacturing, marketing, testing, promoting, selling, and/or distributing the PRODUCTS. At all relevant times, Johnson & Johnson regularly transacted, solicited, and conducted business in all States of the United States, including the State of Delaware.

13. Defendant JOHNSON & JOHNSON CONSUMER COMPANIES, INC. is a New Jersey corporation with its principal place of business in the State of New Jersey.

14. At all relevant times, defendant JOHNSON & JOHNSON CONSUMER INC. F/K/A JOHNSON & JOHNSON CONSUMER COMPANIES, INC. was engaged in the business of manufacturing, marketing, testing, promoting, selling, and/or distributing the PRODUCTS. At all relevant times, JOHNSON & JOHNSON CONSUMER INC. F/K/A

JOHNSON & JOHNSON CONSUMER COMPANIES, INC. regularly transacted, solicited, and conducted business in all States of the United States, including the State of Delaware.

15. Defendants JOHNSON & JOHNSON and JOHNSON & JOHNSON CONSUMER COMPANIES, INC. are collectively referred to herein as the "Johnson & Johnson Defendants".

JURISDICTION AND VENUE

16. This Court has subject matter jurisdiction as the state trial court of general jurisdiction in suits seeking monetary damages in excess of $15,000.

17. This Court has personal jurisdiction over all Defendants pursuant to 10 Del. C. § 3104, whereby jurisdiction is conferred over persons transacting business or performing any character of work or service in the State of Delaware.

18. This Court has personal jurisdiction over Imerys Talc inasmuch as it is a Delaware corporation, as well as its business transactions in the State.

19. This Court has personal jurisdiction over OMJ inasmuch as it is a Delaware corporation, as well as its business transactions in the State.

20. This Court has personal jurisdiction over Johnson & Johnson Defendants inasmuch as OMJ is a wholly owned subsidiary of Johnson & Johnson Defendants. Johnson & Johnson Defendants intentionally established and maintained contacts with Delaware by its decision to continue to operate its wholly owned subsidiary, OMJ, a Delaware Corporation. Johnson & Johnson Defendants used the benefits and protections of the State of Delaware to maintain a corporate subsidiary. Thus, Delaware has an interest in holding Johnson & Johnson Defendants accountable for its actions in directing OMJ, a Delaware Corporation, to

manufacture, market, test, promote, sell, and/or distribute the defective PRODUCTS in the United States, including the State of Delaware.

21. Venue is proper in this Court as Defendant Imerys Talc and OMJ reside in this County.

FACTS

22. Talc is a magnesium trisilicate that is mined from the earth. The Defendant, Imerys Talc America, Inc., f/k/a Luzanec America, Inc. mined the talc contained in the PRODUCTS.

23. Talc is the main substance in talcum powders. The Johnson & Johnson Defendants and OMJ manufactured, marketed, solicited, sold, labeled, and distributed the PRODUCTS. The PRODUCTS are composed almost entirely of talc.

24. At all relevant times, a feasible alternative to the PRODUCTS has existed. Cornstarch is an organic carbohydrate that is quickly broken down by the body with no known health effects. Cornstarch powders have been sold and marketed for the same uses with nearly the same effectiveness as the PRODUCTS.

25. Imerys Talc has continually advertised and marketed talc as safe for human use.

26. Imerys Talc supplied its customers, including the Johnson & Johnson Defendants and OMJ, with Material Safety Data Sheets ("MSDS") for talc, which were supposed to convey adequate health and warning information to its customers.

27. Historically, "Johnson's Baby Powder" has been a symbol of freshness, cleanliness, and purity. During the time in question, the Johnson & Johnson Defendants and OMJ advertised and marketed this product as a symbol of "freshness" and "comfort," eliminating friction on the skin, absorbing "excess wetness" to keep skin feeling dry and comfortable, and

"clinically proven gentle and mild." The Johnson & Johnson Defendants and OMJ compelled women through advertisements to dust themselves with this product to mask odors. The bottle of "Johnson's Baby Powder" that is manufactured, marketed, solicited, sold, and distributed by OMJ specifically targets women, stating: "For you, use every day to help feel soft, fresh, and comfortable."[2]

28. At all relevant times, the Johnson & Johnson Defendants advertised and marketed their "Shower to Shower" product as safe for use by women as evidenced in its slogan, "A sprinkle a day keeps odor away," and through advertisements such as: "Your body perspires in more places than just under your arms. Use SHOWER to SHOWER to feel dry, fresh, and comfortable throughout the day;" and "SHOWER to SHOWER can be used all over your body."

29. In 1971, the first study was conducted that suggested an association between talc and ovarian cancer. This study was conducted by Dr. WJ Henderson and others in Cardiff, Wales.

30. In 1982, the first epidemiologic study was performed on talc powder use in the female genital area. That study was conducted by Dr. Daniel Cramer and others. This study found a ninety-two percent increased risk of ovarian cancer with women who reported genital talc use. Shortly after this study was published, Dr. Bruce Semple of Johnson & Johnson came and visited Dr. Cramer about his study. Dr. Cramer advised Dr. Semple that Johnson & Johnson should place a warning on its talcum powders about the ovarian cancer risks so that women can make an informed decision about their health.

31. Since 1982, there have been approximately twenty-five (25) additional epidemiologic studies providing data regarding the association of talc and ovarian cancer. Nearly

[2] Last viewed on February 17, 2017, https://www.johnsonsbaby.com/baby-products-for-adults

all of these studies have reported an elevated risk of ovarian cancer associated with genital talc use in women.

32. In 1993, the United States National Toxicology Program published a study on the toxicity of non-asbestos form talc and found clear evidence of carcinogenic activity. Talc was found to be a carcinogen, with or without the presence of asbestos-like fibers.

33. In response to the United States National Toxicology Program's study, the Cosmetic Toiletry and Fragrance Association (CTFA), now known as the Personal Care Products Council (PCPC), formed the Talc Interested Party Task Force (TIPTF). Johnson & Johnson, Inc., Johnson & Johnson Consumer Companies, Inc., and Luzenac—now known as Imerys Talc—were members of the CTFA and were the primary actors and contributors of the TIPTF.

34. Each of the members of the TIPTF signed a contractual agreement to guarantee funding to the CFTA for the development of scientific data, retention of consultants and other expenses necessary to advocate for the continued use of talc.

35. The stated purpose of TIPTF was to pool financial resources of these companies in order to defend talc use at all costs and to prevent regulation of any type over this industry. TIPTF hired scientists to perform biased research regarding the safety of talc. TIPTF members, including Johnson & Johnson and Luzenac, then edited these scientific reports hired by this group prior to the submissions of these scientific reports to governmental agencies. In addition, members of TIPTF knowingly released false information about the safety of talc to the consuming public and used political and economic influence on regulatory bodies regarding talc. These activities were conducted by these companies and organizations over the past four decades in an effort to prevent regulation of talc and to create confusion to the consuming public about the true hazards of talc and its association to ovarian cancer.

36. In July 1993, the TIPTF, consisting of representatives from the Johnson & Johnson Defendants and Talc Imerys held a meeting at CFTA's offices in Washington, D.C., to organize and plan for a symposium requested by the FDA on the safety of talc. At the meeting, the TIPTF created a plan of action to minimize the safety risks of talc.

37. At all times relevant, PCPC coordinated the defense of talc and acted as a mouthpiece for the members of the TIPTF, including the Johnson & Johnson defendants and Imerys. PCPC, funded by cosmetic-industry companies, was motivated to defend talc because its members used talc in their products.

38. Since approximately 1976, the Cosmetic Ingredient Review ("CIR") has reviewed the safety of ingredients used in the cosmetic and personal care products industry. CIR is an organization within and wholly funded by PCPC.

39. Over the years, CIR has reviewed thousands of ingredients used in the cosmetics industry, but has only found twelve (12) to be "unsafe for use in cosmetics." In contrast, CIR has deemed approximately 1,800 ingredients to be "safe as used."

40. Even though PCPC knew of the safety concerns surrounding talc for almost three decades, the CIR did not begin to review talc until after the first lawsuit alleging a link between talc use and ovarian cancer was filed.

41. CIR released a Tentative Report in December 2012 and a final report in 2015. Upon information and belief, during the CIR review process, Defendants influenced the scientists working on the review and ultimately edited the reports and reviews in a biased manner. CIR concluded in both reports that talc was safe for use in cosmetics and personal care products.

42. On November 19, 1994, the Cancer Prevention Coalition sent a letter to then-C.E.O. of Johnson & Johnson Ralph Larsen informing his company that studies as far back as the 1960's ". . . show conclusively that the frequent use of talcum powder in the genital area poses a serious health risk of ovarian cancer." The letter cited a recent study by Dr. Bernard Harlow from Harvard Medical School confirming this fact and quoted a portion of the study where Dr. Harlow and his colleagues discouraged the use of talc in the female genital area. The letter concluded by requesting that Johnson & Johnson withdraw talc products from the market because of the alternative of cornstarch powders, or at a minimum, place warning information on its talc-based body powders about the ovarian cancer risk they pose.

43. In 1996, the condom industry stopped dusting its condoms with talc due to the health concerns of ovarian cancer.

44. In February 2006, the International Agency for Research on Cancer (IARC), the specialized cancer agency of the World Health Organization, published a paper whereby they classified perineal use of talc-based body powder as a "Group 2B" human carcinogen. IARC, which is universally accepted as the international authority on cancer issues, concluded that studies from around the world consistently found an increased risk of ovarian cancer in women who used talc in perineal areas. IARC determined that between 16-52% of women worldwide used talc to dust their perineum and found an increased risk of ovarian cancer in women talc users ranging from 30-60%.

45. IARC concluded that "[t]here is limited evidence in humans for the carcinogenicity of perineal use of talc-based powder." By definition, "limited evidence of carcinogenicity" means "a positive association has been observed between exposure to the agent

and cancer for which a causal interpretation is considered by the Working Group to be credible, but chance, bias or confounding could not be ruled out with reasonable confidence."

46. In approximately 2006, the Canadian government, under The Hazardous PRODUCTS Act and associated Controlled PRODUCTS Regulations, classified talc as a "D2A," "very toxic," "cancer-causing" substance under its Workplace Hazardous Materials Information System (WHMIS). Asbestos is also classified as "D2A."

47. In 2006, Defendant Imerys Talc began placing a warning on the MSDS it provided to the Johnson & Johnson Defendants regarding the talc it sold to them for use in the PRODUCTS. The MSDSs not only provided the warning information about the IARC classification but also included warning information regarding "States Rights to Know" and warning information about the Canadian Government's D2A classification of talc.

48. In 2008, the Cancer Prevention Coalition submitted a "Petition Seeking a Cancer Warning on Cosmetic Talc PRODUCTS" to the FDA. The petition requested that the FDA immediately require cosmetic talcum powder products to bear labels with a prominent warning that frequent talc application in the female genital area is responsible for major risks of ovarian cancer.

49. On July 21, 2009, PCPC sent a letter to the FDA Division of Dockets Management responding to the Citizens Petition. The letter notes that because "talc is used within the personal care products industry" the "request for a warning is of significant interest to the Council's members." PCPC informed the FDA that it disagreed with the Petition's interpretation of the data and that there is no causative role between talc and ovarian cancer. The PCPC urged the FDA to deny the request for a cancer warning.

50. In 2013, Cancer Prevention Research published a study that showed that women who used talcum powder in their groin area had a 20 to 30 percent greater risk of developing ovarian cancer than women who did not use talc products in that area.

51. The Gilda Radner Familial Ovarian Cancer Registry, Roswell Park Center Institute, and the Department of Gynecologic Oncology University of Vermont publish a pamphlet entitled, "Myths & Facts about ovarian cancer: What you need to know." In this pamphlet, under "known" risk factors for ovarian cancer, it lists: "Use of Talc (Baby Powder) in the Genital Area."

52. The Defendants had a duty to know and warn about the hazards associated with the use of the PRODUCTS.

53. The Defendants failed to inform its customers and end users of the PRODUCTS of a known catastrophic health hazard associated with the use of its PRODUCTS.

54. In addition, all the Defendants procured and disseminated false, misleading, and biased information regarding the safety of the PRODUCTS to the public and used influence over governmental and regulatory bodies regarding talc.

55. As a direct and proximate result of the Defendants' calculated and reprehensible conduct, Ms. Curry was injured and suffered damages, namely ovarian cancer, which required surgeries and treatments.

FEDERAL STANDARDS AND REQUIREMENTS

56. Plaintiff hereby incorporates the above paragraphs as if fully set forth herein.

57. At all relevant times, Defendants had the obligation to comply with federal standards and regulations in the manufacture, design, marketing, branding, labeling, distribution, and sale of the PRODUCTS.

58. Defendants, each individually, *in solido*, and/or jointly, violated the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §301, *et seq.*

59. Defendants have or may have failed to comply with federal standards and requirements governing the manufacture, design, marketing, branding, and sale of the PRODUCTS including, but not limited to, the following violations of sections and subsections of the United States Code and the Code of Federal Regulations:

a. The PRODUCTS are adulterated in violation of 21 U.S.C. § 361 because, among other things, they contain a poisonous or deleterious substance which may render them injurious to users under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual.

b. The PRODUCTS are misbranded in violation of 21 U.S.C. § 362 because, among other things, their labeling is false or misleading.

c. The PRODUCTS are misbranded in violation 21 U.S.C. § 362 because words, statements, or other information required by or under authority of 21 U.S.C. § 362 are not prominently placed thereon with such conspicuousness and in such terms as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

d. The PRODUCTS are misbranded in violation of 21 C.F.R. § 701.1 because they contain false or misleading representations that they are safe for daily application to all parts of the female body.

e. The PRODUCTS do not bear a warning statement, in violation of 21 C.F.R. § 740.1, to prevent a health hazard that may be associated with the PRODUCTS, namely that the PRODUCTS may cause ovarian cancer or a heightened risk of ovarian cancer when applied to the perineal area.

f. The PRODUCTS do not prominently and conspicuously bear a warning statement, in violation of 21 C.F.R. § 740.2, as to the risk of ovarian cancer caused by the use of the PRODUCTS when applied to the perineal area, in such terms and design that it is likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

g. The PRODUCTS, in violation of 21 C.F.R. § 740.10, do not conspicuously state on their principal display panel that the safety of the PRODUCTS have not been determined and/or that the safety of the PRODUCTS' principal ingredients have not been determined.

JOINT AND SEVERAL LIABILITY

60. Plaintiff hereby incorporates the above paragraphs as if fully set forth herein.

61. Defendants each individually, *in solido*, and/or jointly engaged in the following wrongful conduct, directly and proximately causing the injuries alleged herein.

COUNT I – STRICT LIABILITY FAILURE TO WARN
(Against Imerys Talc)

62. Plaintiff incorporates by reference all other paragraphs in this Complaint as if set forth fully herein.

63. At all relevant times, Imerys Talc mined and sold talc to the Johnson & Johnson Defendants and OMJ with full knowledge that the Johnson & Johnson Defendants and OMJ were then packaging the talc and selling to consumers as the PRODUCTS and consumers of the PRODUCTS were using it to powder their perineal regions.

64. At all relevant times, by mining talc and supplying that talc to the Johnson & Johnson Defendants and OMJ for use in the PRODUCTS, Imerys Talc was knowingly an integral part of the overall manufacture, design, and production of the PRODUCTS and their introduction into the stream of interstate commerce.

65. At all relevant times, Imerys Talc knew or should have known of the unreasonably dangerous and carcinogenic nature of the talc it was selling to the Johnson & Johnson Defendants and OMJ, especially when applied to a woman's perineal regions, and it knew or should have known that Johnson & Johnson and OMJ was not warning its consumers of this danger.

66. At all relevant times, Imerys Talc knew or should have known that the use of the PRODUCTS significantly increase the risk of ovarian cancer in women based upon scientific knowledge dating back until at least 1971.

67. At all relevant times, the PRODUCTS were defective and unreasonably dangerous when used in a reasonably foreseeable manner because, despite Imerys Talc's knowledge that the PRODUCTS were carcinogenic and could lead to an increased risk of ovarian cancer, Imerys Talc failed to provide adequate warning and/or instruction to consumers, including Plaintiff, regarding the increased risk of ovarian cancer associated with the use of the PRODUCTS when applied to the perineal area.

68. Had Plaintiff received warning or instruction regarding the increased risk of ovarian cancer associated with the PRODUCTS when applied to the perineal area, Plaintiff would not have used the PRODUCTS in this manner.

69. Due to the absence of any warning or instruction by Imerys Talc as to the significant health and safety risks posed by the PRODUCTS as described herein, Plaintiff was unaware that the PRODUCTS created an increased risk of ovarian cancer, as this danger was not known to the general public.

70. As a direct and proximate result of Imerys Talc's failure to warn Plaintiff of the increased risk of ovarian cancer associated with the PRODUCTS when applied to the perineal area, despite their actual knowledge of this material fact, Plaintiff developed ovarian cancer and has been injured catastrophically and has been caused severe and permanent pain, suffering, disability, impairment, loss of enjoyment of life, and economic damages.

WHEREFORE, Plaintiff demands judgment against Imerys Talc for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT II – STRICT LIABILITY FAILURE TO WARN
(Against OMJ)

71. Plaintiff incorporates by reference all other paragraphs in this Complaint as if set forth fully herein.

72. At all relevant times, OMJ was engaged in the business of manufacturing, marketing, testing, promoting, selling and/or distributing, and otherwise introducing into the stream of interstate commerce, the PRODUCTS.

73. At all relevant times, OMJ knew or should have known that the use of the PRODUCTS in the female perineal area significantly increased the risk of ovarian cancer in women based upon scientific knowledge dating back until at least 1971.

74. At all relevant times, the PRODUCTS, manufactured and supplied by OMJ, were defective and unreasonably dangerous, despite this, and with OMJ's knowledge that its PRODUCTS were carcinogenic and could lead to an increased risk of ovarian cancer when applied to the female perineal area, a reasonably foreseeable use of the PRODUCTS, OMJ failed to provide adequate warning or instruction to consumers, including Plaintiff, regarding the increased risk of ovarian cancer when the PRODUCTS are applied to the female perineal area.

75. At all relevant times, Plaintiff used the PRODUCTS to powder her perineal areas, a use that was reasonably foreseeable and for which the PRODUCTS were supplied.

76. Had Plaintiff received warning and/or instruction from OMJ regarding the increased risk of ovarian cancer associated with the PRODUCTS when applied to the perineal area, Plaintiff would not have used the PRODUCTS in this manner.

77. Due to the absence of any warning or instruction by OMJ as to the significant health and safety risks posed by the PRODUCTS as described herein, Plaintiff was unaware that the PRODUCTS created an increased risk of ovarian cancer, as this danger was not known to the general public.

78. As a direct and proximate result of OMJ' failure to warn Plaintiff of the increased risk of ovarian cancer associated with the PRODUCTS when applied to the perineal area, despite their actual knowledge of this material fact, Plaintiff developed ovarian cancer and has been injured catastrophically and has been caused severe and permanent pain, suffering, disability, impairment, loss of enjoyment of life, and economic damages.

WHEREFORE, Plaintiff demands judgment against OMJ for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT III – STRICT LIABILITY FAILURE TO WARN
(Against Johnson & Johnson Defendants)

79. Plaintiff incorporates by reference all other paragraphs in this Complaint as if set forth fully herein.

80. At all relevant times, the Johnson & Johnson Defendants were engaged in the business of manufacturing, marketing, testing, promoting, selling and/or distributing, and otherwise introducing into the stream of interstate commerce, the PRODUCTS.

81. At all relevant times, the Johnson & Johnson Defendants knew or should have known that the use of the PRODUCTS in the female perineal area significantly increased the risk of ovarian cancer in women based upon scientific knowledge dating back until at least 1971.

82. At all relevant times, the PRODUCTS, manufactured and supplied by the Johnson & Johnson Defendants, were defective and unreasonably dangerous, and despite this, the Johnson & Johnson Defendants with knowledge that its PRODUCTS were carcinogenic and could lead to an increased risk of ovarian cancer when applied to the female perineal area, a reasonably foreseeable use of the PRODUCTS, the Johnson & Johnson Defendants failed to provide adequate warning or instruction to consumers, including Plaintiff, regarding the increased risk of ovarian cancer when the PRODUCTS are applied to the female perineal area.

83. At all relevant times, Plaintiff used the PRODUCTS to powder her perineal areas, a use that was reasonably foreseeable and for which the PRODUCTS were supplied.

84. Had Plaintiff received warning and/or instruction from the Johnson & Johnson Defendants regarding the increased risk of ovarian cancer associated with the PRODUCTS when applied to the perineal area, Plaintiff would not have used the PRODUCTS in this manner.

85. Due to the absence of any warning or instruction by the Johnson & Johnson Defendants as to the significant health and safety risks posed by the PRODUCTS as described herein, Plaintiff was unaware that the PRODUCTS created an increased risk of ovarian cancer, as this danger was not known to the general public.

86. As a direct and proximate result of Johnson & Johnson Defendants' failure to warn Plaintiff of the increased risk of ovarian cancer associated with the PRODUCTS when applied to the perineal area, despite their actual knowledge of this material fact, Plaintiff developed ovarian cancer and has been injured catastrophically and has been caused severe and permanent pain, suffering, disability, impairment, loss of enjoyment of life, and economic damages.

WHEREFORE, Plaintiff demands judgment against the Johnson & Johnson Defendants for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT IV – STRICT LIABILITY DESIGN DEFECT
(Against Imerys Talc)

87. Plaintiff incorporates by reference all other paragraphs in this Complaint as if set forth fully herein.

88. At all relevant times, Defendant Imerys Talc was engaged in the business of mining and distributing talcum to Johnson & Johnson Defendants and OMJ for use in the PRODUCTS, and they were knowingly an integral part of the overall manufacture, design, and production of the PRODUCTS and their introduction into the stream of interstate commerce.

89. At all relevant times, the PRODUCTS were expected to and did reach Plaintiff without a substantial change in their condition.

90. At all relevant times, the PRODUCTS were defectively and improperly manufactured and designed by Imerys Talc in that, when Imerys Talc supplied its talc product to Johnson & Johnson and OMJ with full knowledge that Johnson & Johnson and OMJ would use its talc in formulating the PRODUCTS and that the talc would be the primary ingredient in the PRODUCTS, the foreseeable risks of the PRODUCTS far outweighed the benefits associated with their design and formulation.

91. At all relevant times, the PRODUCTS were defectively manufactured and designed by Imerys Talc in that their design and formulation is more dangerous than an ordinary consumer would expect when used in an intended and reasonably foreseeable manner.

92. At all relevant times, the PRODUCTS created significant risks to the health and safety of consumers that far outweigh the risks posed by other products on the market used for the same therapeutic purpose.

93. As a direct and proximate result of the defective design and manufacture of the PRODUCTS, Plaintiff developed ovarian cancer and has been injured catastrophically and has been caused severe and permanent pain, suffering, disability, impairment, loss of enjoyment of life, and economic damages.

WHEREFORE, Plaintiff demands judgment against Imerys Talc for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT V – STRICT LIABILITY DESIGN DEFECT
(Against OMJ)

94. Plaintiff incorporates by reference all other paragraphs in this Complaint as if set forth fully herein.

95. At all relevant times, OMJ was engaged in the business of manufacturing, formulating, creating, designing, testing, labeling, packaging, supplying, marketing, promoting, selling, advertising, and otherwise introducing the PRODUCTS into the stream of interstate commerce, which they sold and distributed throughout the United States.

96. At all relevant times, the PRODUCTS were expected to and did reach Plaintiff without a substantial change in condition.

97. At all relevant times, the PRODUCTS were defectively and improperly manufactured and designed by OMJ in that, when the PRODUCTS left the hands of OMJ, the foreseeable risks of the PRODUCTS far outweighed the benefits associated with their design and formulation.

98. At all relevant times, the PRODUCTS were defectively manufactured and designed by OMJ in that their design and formulation is more dangerous than an ordinary consumer would expect when used in an intended and reasonably foreseeable manner.

99. At all relevant times, the PRODUCTS created significant risks to the health and safety of consumers that far outweigh the risks posed by other products on the market used for the same therapeutic purpose.

100. At all relevant times, a reasonable and safer alternative design existed, which could have feasibly been employed by OMJ to manufacture a product with the same therapeutic purpose as the PRODUCTS. Despite knowledge of this reasonable and safer alternative design, OMJ failed to alter the PRODUCTS' design and formulation. The magnitude of the danger created by the PRODUCTS far outweighs the costs associated with using an alternative, safer design.

101. As a direct and proximate result of the defective design and manufacture of the PRODUCTS, Plaintiff developed ovarian cancer and has been injured catastrophically and has been caused severe and permanent pain, suffering, disability, impairment, loss of enjoyment of life, loss of care, comfort and economic damages.

WHEREFORE, Plaintiff demands judgment against OMJ for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT VI – STRICT LIABILITY DESIGN DEFECT
(Against Johnson & Johnson Defendants)

102. Plaintiff incorporates by reference all other paragraphs in this Complaint as if set forth fully herein.

103. At all relevant times, the Johnson & Johnson Defendants were engaged in the business of manufacturing, formulating, creating, designing, testing, labeling, packaging, supplying, marketing, promoting, selling, advertising, and otherwise introducing the PRODUCTS into the stream of interstate commerce, which they sold and distributed throughout the United States.

104. At all relevant times, the PRODUCTS were expected to and did reach Plaintiff without a substantial change in condition.

105. At all relevant times, the PRODUCTS were defectively and improperly manufactured and designed by the Johnson & Johnson Defendants in that, when the PRODUCTS left the hands of the Johnson & Johnson Defendants, the foreseeable risks of the PRODUCTS far outweighed the benefits associated with their design and formulation.

106. At all relevant times, the PRODUCTS were defectively manufactured and designed by the Johnson & Johnson Defendants in that their design and formulation is more dangerous than an ordinary consumer would expect when used in an intended and reasonably foreseeable manner.

107. At all relevant times, the PRODUCTS created significant risks to the health and safety of consumers that far outweigh the risks posed by other products on the market used for the same therapeutic purpose.

108. At all relevant times, a reasonable and safer alternative design existed, which could have feasibly been employed by the Johnson & Johnson Defendants to manufacture a product with the same therapeutic purpose as the PRODUCTS. Despite knowledge of this reasonable and safer alternative design, the Johnson & Johnson Defendants failed to alter the

PRODUCTS' design and formulation. The magnitude of the danger created by the PRODUCTS far outweighs the costs associated with using an alternative, safer design.

109. As a direct and proximate result of the defective design and manufacture of the PRODUCTS, Plaintiff developed ovarian cancer and has been injured catastrophically and has been caused severe and permanent pain, suffering, disability, impairment, loss of enjoyment of life, and economic damages.

WHEREFORE, Plaintiff demands judgment against the Johnson & Johnson Defendants for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT VII – NEGLIGENCE
(Against Imerys Talc)

110. Plaintiff incorporates by reference all other paragraphs in this Complaint as if set forth fully herein.

111. At all relevant times, Imerys Talc had a duty to exercise reasonable care to consumers, including Plaintiff herein, in the design, development, manufacture, testing, inspection, packaging, promotion, marketing, distribution, labeling and/or sale of the PRODUCTS.

112. At all relevant times, Imerys Talc mined and sold talc to the Johnson & Johnson Defendants and OMJ, which it knew was then being packaged and sold to consumers as the PRODUCTS by the Johnson and Johnson Defendants and OMJ. Further, Imerys Talc knew that consumers of the PRODUCTS were using it to powder their perineal regions.

113. At all relevant times, Imerys Talc knew or should have known that the use of the PRODUCTS in the perineal area significantly increases the risk of ovarian cancer based upon scientific knowledge dating back to the 1971.

114. At all relevant times, Imerys Talc knew that Johnson & Johnson Defendants and OMJ were not providing warnings to consumers of the PRODUCTS of the risk of ovarian cancer posed by talc contained therein.

115. At all relevant times, Imerys Talc was negligent in providing talc to the Johnson & Johnson Defendants and OMJ. Imerys Talc possessed information on the carcinogenic properties of talc, including its risk of causing ovarian cancer. Imerys Talc was negligent because it knew that the talc they provided to Johnson & Johnson Defendants and OMJ would be used in the PRODUCTS, but they did not adequately take steps to ensure that ultimate consumers of the PRODUCTS, including Plaintiff, received the information that Imerys Talc possessed on the carcinogenic properties of talc.

116. As a direct and proximate result of Imerys Talc's negligence, Plaintiff developed ovarian cancer and has been injured catastrophically and has been caused severe and permanent pain, suffering, disability, impairment, loss of enjoyment of life, and economic damages.

WHEREFORE, Plaintiff demands judgment against Imerys Talc for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT VIII – NEGLIGENCE (OMJ)

117. Plaintiff incorporates by reference all other paragraphs in this Complaint as if set forth fully herein.

118. At all relevant times, OMJ breached their duty to Plaintiff and were otherwise negligent in marketing, designing, manufacturing, producing, supplying, inspecting, testing, selling and/or distributing the PRODUCTS in one or more of the following respects:

a. In failing to warn Plaintiff of the hazards associated with the use of the PRODUCTS;

b. In failing to properly test their products to determine adequacy and effectiveness or safety measures, if any, prior to releasing the PRODUCTS for consumer use;

c. In failing to properly test the PRODUCTS to determine the increased risk of ovarian cancer during the normal and/or intended use of the PRODUCTS;

d. In failing to inform ultimate users, such as Plaintiff, as to the safe and proper methods of handling and using the PRODUCTS;

e. In failing to remove the PRODUCTS from the market when the Defendants knew or should have known the PRODUCTS were defective;

f. In failing to instruct the ultimate users, such as Plaintiff, as to the methods for reducing the type of exposure to the PRODUCTS which caused increased risk of ovarian cancer;

g. In failing to inform the public in general and the Plaintiff in particular of the known dangers of using the PRODUCTS for dusting the perineum;

h. In failing to advise users how to prevent or reduce exposure that caused an increased risk for ovarian cancer;

i. In marketing and labeling the PRODUCTS as safe for all uses despite knowledge to the contrary;

j. In failing to act like a reasonably prudent company under similar circumstances;

k. In failing to use a safer alternative to talc in the PRODUCTS, such as cornstarch.

Each and all of these acts and omissions, taken singularly or in combination, were a proximate cause of the injuries and damages sustained by Plaintiff.

119. At all relevant times, OMJ knew or should have known that the PRODUCTS were unreasonably dangerous and defective when put to their reasonably anticipated use.

120. As a direct and proximate result of OMJ's negligence, Plaintiff purchased and used the PRODUCTS that directly and proximately caused Plaintiff to develop ovarian cancer. As a direct and proximate result, Plaintiff was caused to incur medical bills, lost wages, and conscious pain and suffering.

WHEREFORE, Plaintiff demands judgment against OMJ for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT IX – NEGLIGENCE
(Johnson & Johnson Defendants)

121. Plaintiff incorporates by reference all other paragraphs in this Complaint as if set forth fully herein.

122. At all relevant times, the Johnson & Johnson Defendants breached their duty to Plaintiff and were otherwise negligent in marketing, designing, manufacturing, producing, supplying, inspecting, testing, selling and/or distributing the PRODUCTS in one or more of the following respects:

a. In failing to warn Plaintiff of the hazards associated with the use of the PRODUCTS;

b. In failing to properly test their products to determine adequacy and effectiveness or safety measures, if any, prior to releasing the PRODUCTS for consumer use;

c. In failing to properly test the PRODUCTS to determine the increased risk of ovarian cancer during the normal and/or intended use of the PRODUCTS;

d. In failing to inform ultimate users, such as Plaintiff, as to the safe and proper methods of handling and using the PRODUCTS;

e. In failing to remove the PRODUCTS from the market when the Defendants knew or should have known the PRODUCTS were defective;

f. In failing to instruct the ultimate users, such as Plaintiff, as to the methods for reducing the type of exposure to the PRODUCTS which caused increased risk of ovarian cancer;

g. In failing to inform the public in general and the Plaintiff in particular of the known dangers of using the PRODUCTS for dusting the perineum;

h. In failing to advise users how to prevent or reduce exposure that caused an increased risk for ovarian cancer;

i. In marketing and labeling the PRODUCTS as safe for all uses despite knowledge to the contrary;

j. In failing to act like a reasonably prudent company under similar circumstances;

k. In failing to use a safer alternative to talc in the PRODUCTS, such as cornstarch.

Each and all of these acts and omissions, taken singularly or in combination, were a proximate cause of the injuries and damages sustained by Plaintiff.

123. At all relevant times, the Johnson & Johnson Defendants knew or should have known that the PRODUCTS were unreasonably dangerous and defective when put to their reasonably anticipated use.

124. As a direct and proximate result of the Johnson & Johnson Defendants' negligence, Plaintiff purchased and used the PRODUCTS that directly and proximately caused Plaintiff to develop ovarian cancer. As a direct and proximate result, Plaintiff was caused to incur medical bills, lost wages, and conscious pain and suffering.

WHEREFORE, Plaintiff demands judgment against the Johnson & Johnson Defendants for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT X – BREACH OF EXPRESS WARRANTY (Against OMJ)

125. Plaintiff incorporates by reference all other paragraphs in this Complaint as if set forth fully herein.

126. At all relevant times, OMJ knew or should have known that the PRODUCTS were unreasonably dangerous and defective when put to their reasonably anticipated use.

127. At all relevant times, OMJ expressly warranted, through direct-to-consumer marketing, advertisements, and labels, that the PRODUCTS were safe and effective for reasonably anticipated uses, including use by women in their perineal area. Although the label has changed over time, the message has been the same: that the product is safe for use on women as well as babies. At least as of 2014, the baby powder label stated that "Johnson's® Baby Powder is designed to gently absorb excess moisture helping skin feel comfortable. Our incredibly soft, hypoallergenic, dermatologist and allergy-tested formula glides over skin to leave it feeling delicately soft and dry while providing soothing relief." OMJ instructs consumers on the product labeling to "Shake powder directly into your hand, away from the face, before smoothing onto the skin."

128. Through other marketing, including on their website for Johnson's® Baby Powder, Defendants similarly encouraged women to use the product daily. Defendants state that Johnson's® Baby Powder "keeps skin feeling soft, fresh and comfortable. It's a classic. Johnson's® Baby Powder helps eliminate friction while keeping skin cool and comfortable. It's made of millions of tiny slippery plates that glide over each other to help reduce the irritation caused by friction." Under a heading "How to Use," "For skin that feels soft, fresh and comfortable, apply Johnson's® Baby Powder close to the body, away from the face. Shake powder into your hand and smooth onto skin." Under a heading "When to Use", OMJ recommend that the consumer "Use anytime you want skin to feel soft, fresh and comfortable. For baby, use after every bath and diaper change." On their website for Johnson's® Baby Powder, Defendants also state the product is "Clinically proven to be safe, gentle and mild."

129. Even more recently, in February or March, 2016, after a St. Louis Jury rendered a $72 million dollar verdict against Johnson & Johnson, including punitive damages, Johnson & Johnson, wholly owner of its subsidiary OMJ, published a web page directed at consumers, misleadingly assuring them of the safety of talc titled "Our Safety & Care Commitment" and touted the safety of talc, stating, inter alia:

a. "Decades of Safety: Our confidence in using talc reflects more than 30 years of research by independent scientists, review boards and global authorities, which have concluded that talc can be used safely in personal care products. Various government agencies and other bodies also have examined talc to determine the potential for any safety risks, and none have concluded that there are safety risks. In fact, no regulatory agency has ever required a change in labeling to reflect any safety risk from talc powder products."

b. "Our Position on Talc: At Johnson & Johnson Consumer Inc., our confidence in using talc is based on a long history of safe use and more than 30 years of research by independent researchers, scientific review boards and global regulatory authorities. Various agencies and governmental bodies have examined whether talc is a carcinogen, and none have concluded that it is. With over 100 years of use, few ingredients have the same demonstrated performance, mildness and safety profile as cosmetic talc."

c. "We want to assure women and caregivers who use our talc products that numerous studies support its safety, and these include assessments by external experts in addition to our company testing. Many research papers and epidemiology studies have specifically evaluated talc and perineal use and these studies have found talc to be safe"

130. At all relevant times, even up until present day, OMJ's representations relating to talc: that the PRODUCTS are safe for personal use, including in the perineal region.

131. At all relevant times, the PRODUCTS did not conform to these express representations because they cause serious injury, including ovarian cancer, when used by women in the perineal area.

132. As a direct and proximate result of the Defendants' breach of warranty, Plaintiff purchased and used the PRODUCTS that directly and proximately caused Plaintiff to develop

ovarian cancer. Plaintiff was caused to incur medical bills, lost wages, and conscious pain and suffering.

WHEREFORE, Plaintiff demands judgment against OMJ for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT XI – BREACH OF EXPRESS WARRANTY
(Against Johnson & Johnson Defendants)

133. Plaintiff incorporates by reference all other paragraphs in this Complaint as if set forth fully herein.

134. At all relevant times, the Johnson & Johnson Defendants knew or should have known that the PRODUCTS were unreasonably dangerous and defective when put to their reasonably anticipated use.

135. At all relevant times, the Johnson & Johnson Defendants expressly warranted, through direct-to-consumer marketing, advertisements, and labels, that the PRODUCTS were safe and effective for reasonably anticipated uses, including use by women in their perineal area. Although the label has changed over time, the message has been the same: that the product is safe for use on women as well as babies. At least as of 2014, the baby powder label stated that "Johnson's® Baby Powder is designed to gently absorb excess moisture helping skin feel comfortable. Our incredibly soft, hypoallergenic, dermatologist and allergy-tested formula glides over skin to leave it feeling delicately soft and dry while providing soothing relief." The Johnson & Johnson Defendants instruct consumers on the product labeling to "Shake powder directly into your hand, away from the face, before smoothing onto the skin."

136. Through other marketing, including on their website for Johnson's® Baby Powder, Defendants similarly encouraged women to use the product daily. Defendants state that Johnson's® Baby Powder "keeps skin feeling soft, fresh and comfortable. It's a classic. Johnson's® Baby Powder helps eliminate friction while keeping skin cool and comfortable. It's made of millions of tiny slippery plates that glide over each other to help reduce the irritation caused by friction." Under a heading "How to Use," "For skin that feels soft, fresh and comfortable, apply Johnson's® Baby Powder close to the body, away from the face. Shake powder into your hand and smooth onto skin." Under a heading "When to Use", the Johnson & Johnson Defendants recommend that the consumer "Use anytime you want skin to feel soft, fresh and comfortable. For baby, use after every bath and diaper change." On their website for Johnson's® Baby Powder, Defendants also state the product is "Clinically proven to be safe, gentle and mild."

137. Even more recently, in February or March, 2016, after a St. Louis Jury rendered a $72 million dollar verdict against Johnson & Johnson, including punitive damages, Johnson & Johnson published a web page directed at consumers misleadingly assuring them of the safety of talc titled "Our Safety & Care Commitment" and touted the safety of talc, stating, *inter alia*:

a. "Decades of Safety: Our confidence in using talc reflects more than 30 years of research by independent scientists, review boards and global authorities, which have concluded that talc can be used safely in personal care products. Various government agencies and other bodies also have examined talc to determine the potential for any safety risks, and none have concluded that there are safety risks. In fact, no regulatory agency has ever required a change in labeling to reflect any safety risk from talc powder products."

b. "Our Position on Talc: At Johnson & Johnson Consumer Inc., our confidence in using talc is based on a long history of safe use and more than 30 years of research by independent researchers, scientific review boards and global regulatory authorities. Various agencies and governmental bodies have examined whether talc is a carcinogen, and none have concluded that it is. With over 100 years of use, few

ingredients have the same demonstrated performance, mildness and safety profile as cosmetic talc."

c. "We want to assure women and caregivers who use our talc products that numerous studies support its safety, and these include assessments by external experts in addition to our company testing. Many research papers and epidemiology studies have specifically evaluated talc and perineal use and these studies have found talc to be safe"

138. At all relevant times, even up until present day, the Johnson & Johnson Defendant's representations relating to talc: that the PRODUCTS are safe for personal use, including in the perineal region.

139. At all relevant times, the PRODUCTS did not conform to these express representations because they cause serious injury, including ovarian cancer, when used by women in the perineal area.

140. As a direct and proximate result of the Defendants' breach of warranty, Plaintiff purchased and used the PRODUCTS that directly and proximately caused Plaintiff to develop ovarian cancer. Plaintiff was caused to incur medical bills, lost wages, and conscious pain and suffering.

WHEREFORE, Plaintiff demands judgment against the Johnson & Johnson Defendants for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT XII – BREACH OF IMPLIED WARRANTIES
(Against Johnson & Johnson Defendants and OMJ)

141. Plaintiff incorporates by reference all other paragraphs in this Complaint as if set forth fully herein.

142. At the time the Defendants manufactured, marketed, labeled, promoted, distributed and/or sold the PRODUCTS, the Johnson & Johnson Defendants and OMJ knew of the uses for which the PRODUCTS were intended, including use by women in the perineal area. With this knowledge, they impliedly warranted the PRODUCTS to be of merchantable quality and safe for such use.

143. Johnson & Johnson Defendants and OMJ breached their implied warranties of the PRODUCTS sold to Plaintiff because they were not fit for their common, ordinary and intended uses, including use by women in the perineal area.

144. As a direct and proximate result of the Johnson & Johnson Defendants' and OMJ's breach of implied warranties, Plaintiff purchased and used the PRODUCTS that directly and proximately caused Plaintiff to develop ovarian cancer. As a result, Plaintiff was caused to incur medical bills, lost wages, and conscious pain and suffering.

WHEREFORE, Plaintiff demands judgment against the Johnson & Johnson Defendants and OMJ for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT XIII – CIVIL CONSPIRACY
(Against All Defendants)

145. Plaintiff incorporates by reference all other paragraphs in this Complaint as if set forth fully herein.

146. Defendants and/or their predecessors-in-interest knowingly agreed, contrived, combined, confederated and conspired among themselves to cause Plaintiff's injuries, diseases, and/or illnesses by exposing the Plaintiff to harmful and dangerous PRODUCTS. Defendants further knowingly agreed, contrived, confederated and conspired to deprive the Plaintiff of the

opportunity of informed free choice as to whether to use the PRODUCTS or to expose herself to the stated dangers. Defendants committed the wrongs as described herein by willfully misrepresenting and suppressing the truth as to the risks and dangers associated with the use of and exposure to the PRODUCTS.

147. In furtherance of said conspiracies, Defendants performed the following overt acts:

a. For many decades, Defendants, individually, jointly, and in conspiracy with each other, have been in possession of medical and scientific data, literature and test reports that clearly indicated that use of their by women resulting from ordinary and foreseeable use of the PRODUCTS were unreasonably dangerous, hazardous, deleterious to human health, carcinogenic, and potentially deadly;

b. Despite the medical and scientific data, literature, and test reports possessed by and available to Defendants, Defendants individually, jointly, and in conspiracy with each other, fraudulently, willfully and maliciously:

i. Withheld, concealed and suppressed said medical information regarding the increased risk of ovarian cancer from Plaintiff, as described above; In addition, on July 27, 2005, Defendants, as part of the TIPTF, corresponded about and agreed to edit and delete portions of scientific papers being submitted on their behalf to the United States Toxicology Program in an attempt to prevent talc from being classified as a carcinogen;

ii. Instituted a "defense strategy" through the TIPTF to defend talc at all costs. In furtherance of this defense strategy, Defendants, through the TIPTF, used their influence over the National Toxicology Program ("NTP') Subcommittee and the threat of litigation against the NTP to prevent the NTP from classifying talc as a carcinogen on its 10th Report on Carcinogens ("RoC");

iii. Caused to be released, published and disseminated medical and scientific data, literature, and test reports containing information and statements regarding the risks of ovarian cancer which Defendants knew were incorrect, incomplete, outdated, and misleading. Specifically, Defendants, through the TIPTF, collectively agreed to release false information to the public regarding the safety of talc on July 1, 1992; July 8, 1992; and November 17, 1994. In a letter dated September 17, 1997, the Defendants were criticized by their own toxicologist consultant for releasing this false information to the public, yet nothing was done by the Defendants to correct or redact this public release of knowingly false information.

c. By these false and fraudulent representations, omissions, and concealments, Defendants intended to induce and did induce the Plaintiff to rely upon these false and fraudulent representations, omissions and concealments, and to continue to expose herself to the dangers inherent in the use of and exposure to the PRODUCTS.

148. Plaintiff reasonably and in good faith relied upon the fraudulent representations, omissions, and concealments made by Defendants regarding the nature of the PRODUCTS.

149. As a direct, foreseeable and proximate result of the Defendants' conspiracy, Plaintiff purchased and used the PRODUCTS in the perineal areas, which directly and proximately caused Plaintiff to develop ovarian cancer. Plaintiff was caused to incur medical bills, lost wages, and conscious pain and suffering.

WHEREFORE, Plaintiff demands judgment against all Defendants for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT XIV – FRAUD, FRAUDULENT MISREPRESENTATION, AND INTENTIONAL CONCEALMENT
(Against Johnson & Johnson Defendants and OMJ)

150. Plaintiff incorporates by reference all other paragraphs in this Complaint as if set forth fully herein.

151. At all relevant times, the Johnson & Johnson Defendants and OMJ intentionally, willfully, and/or recklessly, with the intent to deceive, misrepresented and/or concealed material facts to consumers and users, including Plaintiff.

152. At all relevant times, the Johnson & Johnson Defendants and OMJ misrepresented and/or concealed material facts concerning the PRODUCTS to consumers, including the Plaintiff, with knowledge of the falsity of their misrepresentations.

153. At all relevant times, upon information and belief, the misrepresentations and concealments concerning the PRODUCTS made by the Johnson & Johnson Defendants and OMJ include, but are not limited to the following:

a. The Johnson & Johnson Defendants and OMJ falsely labeled and advertised the PRODUCTS in the following ways, among others: "For you, use every day to help feel soft, fresh, and comfortable," "a sprinkle a day keeps the odor away," "your body perspires in more places than just under your arms."

b. The Johnson & Johnson Defendants and OMJ falsely labeled and advertised the PRODUCTS in the following ways, among others: "Use SHOWER to SHOWER to feel dry, fresh, and comfortable throughout the day," and "SHOWER to SHOWER can be used all over your body." "Clinically proven gentle and mild."

c. The Johnson & Johnson Defendants and OMJ falsely advertised the PRODUCT SHOWER to SHOWER to be applied "all over," and in particular, urges women to use it to "Soothe Your Skin: Sprinkle on problem areas to soothe skin that has been irritated from friction. Apply after a bikini wax to help reduce irritation and discomfort."

d. The Johnson & Johnson Defendants and OMJ, through the advertisements described above, knowingly misrepresented to Plaintiff and the public that the PRODUCTS were safe for use all over the body, including the perineal areas of women.

e. The Johnson & Johnson Defendants and OMJ intentionally failed to disclose that talc and the associated PRODUCTS, when used in the perineal area, increase the risk of ovarian cancer.

f. The Johnson & Johnson Defendants and OMJ intentionally failed to include adequate warnings with the PRODUCTS regarding the potential and actual risks of using the PRODUCTS in the perineal area on women and the nature, scope, severity, and duration of any serious injuries resulting therefrom. [3]

g. Despite knowing about the carcinogenic nature of talc and its likelihood to increase the risk of ovarian cancer in women, the Johnson & Johnson Defendants and OMJ falsely marketed, advertised, labeled and sold the PRODUCTS as safe for public consumption and usage, including for use by women to powder their perineal areas.

[3] Household PRODUCTS Database, Label for Johnson's Baby Powder, Original, http://householdproducts.nlm.nih.gov/cgi-bin/household/brands?tbl=brands&id=10001040

154. At all relevant times, the Johnson & Johnson Defendants and OMJ actively, knowingly, and intentionally concealed and misrepresented these material facts to the consuming public with the intent to deceive the public and Plaintiff, and with the intent that the consumers would purchase and use the PRODUCTS in the female perineal area.

155. At all relevant times, the consuming public, including Plaintiff, would not otherwise have purchased the PRODUCTS and/or applied the PRODUCTS in the perineal area if they had been informed of the risks associated with the use of the PRODUCTS in the perineal area.

156. At all relevant times, Plaintiff relied on the Johnson & Johnson Defendants' and OMJ's misrepresentations concerning the safety of the PRODUCTS when purchasing the PRODUCTS and using them in her perineal area, and her reliance was reasonable and justified.

157. As a direct, foreseeable and proximate result of the Johnson & Johnson Defendants' and OMJ's fraudulent conduct, Plaintiff purchased and used the PRODUCTS in her perineal areas. As a direct and proximate result of such use, Plaintiff developed ovarian cancer, and Plaintiff was caused to incur medical bills, lost wages, and conscious pain and suffering.

WHEREFORE, Plaintiff demands judgment against the Johnson & Johnson Defendants and OMJ for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT XV – NEGLIGENT MISREPRESENTATION
(Against All Defendants)

158. Plaintiff incorporates by reference all other paragraphs in this Complaint as if set forth fully herein.

159. As a direct, foreseeable and proximate result of the Johnson & Johnson Defendants' and OMJ's fraudulent conduct, Plaintiff purchased and used the PRODUCTS in her perineal area. As a direct and proximate result of such use, Plaintiff developed ovarian cancer, and Plaintiff was caused to incur medical bills, lost wages, and conscious pain and suffering.

160. All Defendants had a duty to accurately and truthfully represent to the medical and healthcare community, Plaintiff and the public that the PRODUCTS had been tested and found to be safe and effective for use in the perineal area. However, the representations made by Defendants, in fact, were false.

161. All Defendants failed to exercise ordinary care in the representations concerning the PRODUCTS while they were involved in their manufacture, sale, testing, quality assurance, quality control, and distribution in interstate commerce, because Defendants negligently misrepresented the PRODUCTS' high risk of unreasonable, dangerous, adverse side effects.

162. All Defendants breached their duty in representing that the PRODUCTS were safe for use in the perineal areas of women.

163. At all relevant times, upon information and belief, the misrepresentations, omissions and concealments concerning the PRODUCTS made by the Defendants include, but are not limited to the following:

a. The Defendants labeled and advertised the PRODUCTS in the following ways, among others: "For you, use every day to help feel soft, fresh, and comfortable;" "A sprinkle a day keeps the odor away;" "Your body perspires in more places than just under your arms;" "Use SHOWER to SHOWER to feel dry, fresh, and comfortable throughout the day; and "SHOWER to SHOWER can be used all over your body."

b. The Defendants advertised the product SHOWER to SHOWER to be applied "all over," and in particular, urged women to use it to "Soothe Your Skin: Sprinkle on problem areas to soothe skin that has been irritated from friction. Apply after a bikini wax to help reduce irritation and discomfort."

c. Defendants, through the advertisements described above, among others, misrepresented to consumers, including the Plaintiff, that the PRODUCTS were safe for use all over the body, including the female perineal area.

d. Despite actual knowledge of the health risks of the PRODUCTS, the Defendants failed to disclose to the consumers and the Plaintiff, through adequate warnings, representations, labeling, or otherwise, that the PRODUCTS were inherently dangerous and carcinogenic in nature, which poses serious health risks to consumers.

e. Despite actual knowledge that the use of the PRODUCTS in the perineal area created a significantly increased risk of ovarian cancer, the Defendants failed to disclose to consumers and the Plaintiff, through adequate warnings, representations, labeling, or otherwise, that material fact.

f. Despite knowing about the carcinogenic nature of talc and its likelihood to increase the risk of ovarian cancer in women, the Johnson & Johnson Defendants falsely marketed, advertised, labeled and sold the PRODUCTS as safe for public consumption and usage, including for use by women to powder their perineal areas.

164. At all relevant times, Defendants failed to exercise reasonable care in ascertaining or sharing information regarding the safe use of PRODUCTS, failed to disclose facts indicating that the PRODUCTS were inherently dangerous and carcinogenic in nature, and otherwise failed to exercise reasonable care in communicating the information concerning the PRODUCTS to Plaintiff and/or concealed relevant facts that were known to them.

165. At all relevant times, Plaintiff was not aware of the falsity of the foregoing misrepresentations, nor was she aware that material facts concerning talc and the PRODUCTS had been concealed or omitted. In reasonable reliance upon the Defendants' misrepresentations and/or omissions, Plaintiff was induced to and did purchase the PRODUCTS and did use the PRODUCTS on her perineal area. If the Defendants had disclosed true and accurate material facts concerning the risks of the use of the PRODUCTS, in particular the risk of developing ovarian cancer from using the PRODUCTS in the female perineal area, Plaintiff would not have purchased and/or received the PRODUCTS and/or used the PRODUCTS in that manner.

166. Plaintiff's reliance upon the Defendants' misrepresentations and omissions was justified and reasonable because, among other reasons, those misrepresentations and omissions were made by individuals and entities who were in a position to know the material facts concerning the PRODUCTS and the association between the PRODUCTS and the incidence of ovarian cancer, while Plaintiff was not in a position to know these material facts, and because Defendants failed to warn or otherwise provide notice to the consuming public as to the risks of the PRODUCTS, thereby inducing Plaintiff to use the PRODUCTS in lieu of safer alternatives and in ways that created unreasonably dangerous risks to her health. At all relevant times, the Defendants' corporate officers, directors, and/or managing agents knew of and ratified the acts of the Defendants, as alleged herein.

167. As a direct and proximate result of Defendants' conduct, Plaintiff has been injured and sustained severe and permanent pain, suffering, disability, impairment, loss of enjoyment of life, and economic damages.

WHEREFORE, Plaintiff demands judgment against all Defendants for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT XVI – PUNITIVE DAMAGES
(Against All Defendants)

168. Plaintiff hereby incorporates by reference all other paragraphs in this Complaint as if set forth fully herein.

169. The Defendants engaged in oppressive, fraudulent, malicious and egregious conduct with intent and/or with reckless indifference for the rights of others in the following ways, in addition to the acts and/or omissions described throughout this Complaint:

a. Defendants knew of the unreasonably high risk of ovarian cancer posed by the PRODUCTS before manufacturing, marketing, distributing and/or selling the PRODUCTS, yet purposefully proceeded with such action;

b. Despite their knowledge of the high risk of ovarian cancer associated with the PRODUCTS, Defendants affirmatively minimized this risk through marketing and promotional efforts and product labeling;

c. Through the actions outlined above, Defendants expressed a reckless indifference to the safety of users of the PRODUCTS, including Plaintiff. Defendants knew of the dangers and risks of the PRODUCTS, yet they concealed and/or omitted this information from labels and warnings contained on the PRODUCTS in furtherance of their conspiracy and concerted action. These actions were outrageous because of Defendants' evil motive or a reckless indifference to the safety of users of the PRODUCTS.

170. As a direct and proximate result of the Defendants' acts of oppression, fraud and/or malice described throughout this Complaint, Plaintiff has sustained damages as set forth above.

WHEREFORE, Plaintiff demands judgment against all Defendants for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

TOLLING STATUTE OF LIMITATIONS

171. Plaintiff hereby incorporates by reference all other paragraphs in this Complaint as if set forth fully herein.

172. Plaintiff has suffered an illness that has a latency period and does not arise until many years after exposure. Plaintiff's illnesses did not distinctly manifest themselves until she was made aware that her ovarian cancer could be caused by her use of the Defendants' products. Consequently, the discovery rule applies to tis cases, and the statute of limitations has been tolled until the day that Plaintiff knew or had reason to know that her ovarian cancer was linked to her use of the Defendants' products.

173. Furthermore, the running of any statute of limitations has been equitably tolled by reason of Defendants' fraudulent concealment and conduct. Through their affirmative misrepresentations and omissions, Defendants actively concealed from Plaintiff and consumers the true risks associated with PRODUCTS.

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

175. Furthermore, Defendants are estopped from relying on any statute of limitations because of their concealment of the truth regarding the safety of PRODUCTS. Defendants were under a duty to disclose the true character, quality and nature of PRODUCTS because this was non-public information over which they continue to have exclusive control. Defendants knew that this information was not available to Plaintiff, her medical providers and/or her health facilities, yet they failed to disclose the information to the public.

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against all Defendants as follows, individually and under survival claims:

(1) Judgment for Plaintiff and against Defendants;

(2) For medical and related expenses, according to proof;

(3) For loss of earnings and/or earning capacity, according to proof;

(4) For exemplary or punitive damages, according to proof;

(5) For mental and physical suffering, according to proof;

(6) For Plaintiff's cost of suit herein;

(7) For disgorgement of profits, according to proof;

(8) Default judgment as a sanction for the bad faith destruction of evidence, if any, and according to proof, if any;

(9) For such other and further relief as this court may deem just and proper, including prejudgment interest.

JURY TRIAL DEMANDS

Plaintiff demands a trial by jury on all of the triable issues within this Complaint.

Dated: May 22, 2017

Respectfully Submitted,

JACOBS & CRUMPLAR, P.A.

/s/ Raeann Warner
Raeann Warner (Bar Id. 4913)
750 Shipyard Dr., Suite 200
Wilmington, DE 19801
(302) 656-5445

THE MILLER FIRM, LLC

David J. Dickens, *Pro Hac Vice to be filed* Jeff T. Seldomridge, *Pro Hac Vice*
108 Railroad Avenue
Orange, VA 22960
Tel: (540) 672-4224

Counsel for Plaintiff

EFiled: May 22 2017 12:34PM EDT
Transaction ID 60628434
Case No. N17C-05-317 TAL

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

DOROTHY E. PARISI; KATHY ADAMS; VALERIE CURRY; ANDREA BURTON; CYNTHIA M. BROWN; GLORIA ACKERMAN; JANELLE R. BENNETT; CHARMAINE M. MARCHANT; DIANA LYNN FERGUSON; HAROLD TRAMMEL SR., Individually, and as Personal Representative of the Estate of RUTH ANN TRAMMEL, Deceased; ELIZABETH MERCADO; BLAND SPECK, JR., Individually, and as Executor of the Estate of MARGARET JOYCE SPECK, Deceased; MARQUIS PATTERSON; ROZENA THOMAS; SUSAN C. POLLARD; CONNIE JONES, Individually and as Personal Representative of the Estate of MARCELLA JONES, Deceased; CYNTHIA STARR, Individually, and as Power of Attorney for IZETTA STARR; LASHAUN BRANTLEY; RHONDA ARROYO; MARIA MERINO, Plaintiffs, vs. JOHNSON & JOHNSON; JOHNSON & JOHNSON CONSUMER INC. F/K/A JOHNSON & JOHNSON CONSUMER COMPANIES, INC.; OMJ PHARMACEUTICALS, INC. F/K/A JOHNSON & JOHNSON BABY PRODUCTS, INC.; and IMERYS TALC AMERICA, INC. F/K/A LUZENAC AMERICA, INC., Defendants.	Civil Action No.: **COMPLAINT** **JURY TRIAL DEMANDED**

AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW PLAINTIFF (HEREINAFTER REFERRED TO AS "PLAINTIFF"),

by and through undersigned counsel, and brings this action for personal injuries and

damages against Defendants JOHNSON & JOHNSON; JOHNSON & JOHNSON CONSUMER INC. F/K/A JOHNSON & JOHNSON CONSUMER COMPANIES, INC.; OMJ PHARMACEUTICALS, INC. F/K/A JOHNSON & JOHNSON BABY PRODUCTS, INC.; and IMERYS TALC AMERICA, INC. F/K/A LUZENAC AMERICA, INC. (collectively referred to as "Defendants").[1] Plaintiff's Amended Complaint differs from the original Complaint by adding OMJ PHARMACEUTICALS, INC. F/K/A JOHNSON & JOHNSON BABY PRODUCTS, INC. as a defendant and bringing causes of action against OMJ PHARMACEUTICALS, INC. F/K/A JOHNSON & JOHNSON BABY PRODUCTS, INC., including but not limited to Strict Liability Failure to Warn, Strict Liability Design Defect, Negligence, Breach of Express Warranty, Breach of Implied Warranty, Civil Conspiracy, Fraud, Fraudulent Misrepresentation and Intentional Concealment, and Negligent Concealment.

~~COMES NOW, the above captioned Plaintiffs (collectively referred to as "Plaintiffs"), and each of them, bring this Complaint and Demand for Jury Trial by and through their attorneys THE MILLER FIRM, LLC and complain and allege against Defendants JOHNSON & JOHNSON; JOHNSON & JOHNSON CONSUMER INC. F/K/A JOHNSON & JOHNSON CONSUMER COMPANIES, INC.; and IMERYS TALC AMERICA, INC. F/K/A LUZENAC AMERICA, INC. (collectively referred to as "Defendants"), as follows:~~

SUMMARY OF ALLEGATIONS

1. ~~This is a~~Plaintiff brings this ~~-~~products liability action against ~~the~~ Defendants ~~because Plaintiffs and Plaintiffs' Decedents have suffered from and have passed away from the~~

[1] Plaintiff amends her complaint in order to bring individual claims in accordance with the Order of the Court, C.A. N16C-12-420 TAL, D.I. 16, as well as to add OMJ Pharmaceuticals, Inc. as a named defendant, pursuant to written consent of the parties, D.I. 17 and Superior Court Rule 15(a). Changes from the original complaint to the First Amended Complaint are shown on the attached redlined First Amended Complaint, attached at Ex. A.

~~severe effects of Ovarian Cancer~~for injuries caused by her continuous use of Johnson & Johnson's baby powder and Shower-to-Shower consumer products which were manufactured, mined, and/or marketed by Defendants (hereinafter, the "PRODUCTS"). Defendants' PRODUCTS each contain talc powder, which caused Plaintiffs and Plaintiffs' Decedents to develop Ovarian Cancer after they used the PRODUCTS in their perineal area.

2. ~~All Plaintiffs in this action~~Plaintiff seeks recovery for damages as a result of developing ovarian cancer, which was directly and proximately caused by such wrongful conduct by Defendants, the unreasonably dangerous and defective nature of the PRODUCTS and talcum powder, and the attendant effects of developing ovarian cancer. ~~All of the claims involve common legal and medical issues~~.

3. At all relevant times, all Defendants were engaged in the research, development, manufacture, design, testing, sale and marketing of PRODUCTS, and introduced such products into interstate commerce with knowledge and intent that such products be sold in all States, including but not limited to the State of Delaware.

4. Defendants concealed and continue to conceal their knowledge of talc powder's unreasonably dangerous risks from Plaintiffs, Plaintiffs' Decedents, other consumers, and the medical community. Specifically, Defendants failed to adequately inform Plaintiffs, Plaintiffs Decedents, consumers, and the medical community about the known risks of Ovarian Cancer associated with perineal use of the PRODUCTS.

PARTY PLAINTIFFS

5. Plaintiff DOROTHY E. PARISI, is a competent individual over the age of 18 currently residing in Delaware and hereby submits to the jurisdiction of this Court and alleges that Venue in this Court is proper. Ms. Parisi regularly used Defendants' PRODUCTS in her

perineal region and suffered from severe physical, economic, and emotional injuries as a result of her use of Defendants' PRODUCTS, including but not limited to Ovarian Cancer diagnosed at Christiana Hospital in Wilmington, Delaware in November, 2001.

6. Plaintiff KATHY ADAMS is a competent individual over the age of 18 currently residing in North Carolina and hereby submits to the jurisdiction of this Court and alleges that Venue in this Court is proper. Ms. Adams regularly used Defendants' PRODUCTS in her perineal region and suffered from severe physical, economic, and emotional injuries as a result of her use of Defendants' PRODUCTS, including but not limited to Ovarian Cancer diagnosed in April 2015.

7. Plaintiff VALERIE CURRY, is a competent individual over the age of 18 currently residing in Kentucky and hereby submits to the jurisdiction of this Court and alleges that Venue in this Court is proper. Ms. Curry regularly used Defendants' PRODUCTS in her perineal region and suffered from severe physical, economic, and emotional injuries as a result of her use of Defendants' PRODUCTS, including but not limited to Ovarian Cancer diagnosed in 2012.

8. Plaintiff ANDREA D. BURTON, is a competent individual over the age of 18 currently residing in Louisiana and hereby submits to the jurisdiction of this Court and alleges that Venue in this Court is proper. Ms. Burton regularly used Defendants' PRODUCTS in her perineal region and suffered from severe physical, economic, and emotional injuries as a result of her use of Defendants' PRODUCTS, including but not limited to Ovarian Cancer diagnosed in March, 2009.

9. Plaintiff CYNTHIA M. BROWN, is a competent individual over the age of 18 currently residing in California and hereby submits to the jurisdiction of this Court and alleges

that Venue in this Court is proper. Ms. Brown regularly used Defendants' PRODUCTS in her perineal region and suffered from severe physical, economic, and emotional injuries as a result of her use of Defendants' PRODUCTS, including but not limited to Ovarian Cancer diagnosed in 1995.

10. Plaintiff GLORIA J. ACKERMAN, is a competent individual over the age of 18 currently residing in West Virginia and hereby submits to the jurisdiction of this Court and alleges that Venue in this Court is proper. Ms. Ackerman regularly used Defendants' PRODUCTS in her perineal region and suffered from severe physical, economic, and emotional injuries as a result of her use of Defendants' PRODUCTS, including but not limited to Ovarian Cancer diagnosed in 2002.

11. Plaintiff JANELLE R. BENNETT, is a competent individual over the age of 18 currently residing in South Carolina and hereby submits to the jurisdiction of this Court and alleges that Venue in this Court is proper. Ms. Bennett regularly used Defendants' PRODUCTS in her perineal region and suffered from severe physical, economic, and emotional injuries as a result of her use of Defendants' PRODUCTS, including but not limited to Ovarian Cancer diagnosed in 1999.

12. Plaintiff CHARMAINE M. MARCHANT, is a competent individual over the age of 18 currently residing in Massachusetts and hereby submits to the jurisdiction of this Court and alleges that Venue in this Court is proper. Ms. Marchant regularly used Defendants' PRODUCTS in her perineal region and suffered from severe physical, economic, and emotional injuries as a result of her use of Defendants' PRODUCTS, including but not limited to Ovarian Cancer diagnosed in 1994.

13. Plaintiff DIANA LYNN FERGUSON, is a competent individual over the age of 18 currently residing in Tennessee and hereby submits to the jurisdiction of this Court and alleges that Venue in this Court is proper. Ms. Ferguson regularly used Defendants' PRODUCTS in her perineal region and suffered from severe physical, economic, and emotional injuries as a result of her use of Defendants' PRODUCTS, including but not limited to Ovarian Cancer diagnosed in 2009.

14. Plaintiff HAROLD TRAMMEL SR., INDIVIDUALLY, AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF RUTH ANN TRAMMEL, DECEASED, is a competent individual over the age of 18 currently residing in North Carolina and is the personal representative of the Estate of Ruth Ann Trammel, Deceased and hereby submits to the jurisdiction of this Court and alleges the Venue is proper. Decedent Ruth Ann Trammel regularly used Defendants' PRODUCTS in her perineal region and suffered from severe physical, economic, and emotional injuries as a result of her use of Defendants' PRODUCTS, including but not limited to Ovarian Cancer and her subsequent death on January 17, 2014 in North Carolina. Plaintiff Harold Trammel, Sr. was married to Ruth Ann Trammel.

15. Plaintiff ELIZABETH MERCADO is a competent individual over the age of 18 currently residing in New York and hereby submits to the jurisdiction of this Court and alleges that Venue in this Court is proper. Ms. Mercado regularly used Defendants' PRODUCTS in her perineal region and suffered from severe physical, economic, and emotional injuries as a result of her use of Defendants' PRODUCTS, including but not limited to Ovarian Cancer diagnosed in March, 2014.

16. Plaintiff BLAND SPECK, JR., INDIVIDUALLY, AND AS EXECUTOR OF THE ESTATE OF MARGARET JOYCE SPECK, DECEASED, is a competent individual over

the age of 18 currently residing in Tennessee and is the Executor of the Estate of Margaret Joyce Speck, Deceased and hereby submits to the jurisdiction of this Court and alleges the Venue is proper. Decedent Margaret Joyce Speck regularly used Defendants' PRODUCTS in her perineal region and suffered from severe physical, economic, and emotional injuries as a result of her use of Defendants' PRODUCTS, including but not limited to Ovarian Cancer and her subsequent death on February 3, 2016 in Tennessee. Plaintiff Bland Speck, Jr. was married to Decedent Margaret Joyce Speck.

17. Plaintiff MARQUIS PATTERSON, is a competent individual over the age of 18 currently residing in Tennessee and hereby submits to the jurisdiction of this Court and alleges that Venue in this Court is proper. Ms. Patterson regularly used Defendants' PRODUCTS in her perineal region and suffered from severe physical, economic, and emotional injuries as a result of her use of Defendants' PRODUCTS, including but not limited to Ovarian Cancer diagnosed in February, 2008.

18. Plaintiff ROZENA THOMAS, is a competent individual over the age of 18 currently residing in Illinois and hereby submits to the jurisdiction of this Court and alleges that Venue in this Court is proper. Ms. Thomas regularly used Defendants' PRODUCTS in her perineal region and suffered from severe physical, economic, and emotional injuries as a result of her use of Defendants' PRODUCTS, including but not limited to Ovarian Cancer diagnosed in January, 2006.

19. Plaintiff SUSAN C. POLLARD, is a competent individual over the age of 18 currently residing in Tennessee and hereby submits to the jurisdiction of this Court and alleges that Venue in this Court is proper. Ms. Pollard regularly used Defendants' PRODUCTS in her perineal region and suffered from severe physical, economic, and emotional injuries as a result of

her use of Defendants' PRODUCTS, including but not limited to Ovarian Cancer diagnosed in April, 2009.

20. Plaintiff CONNIE JONES, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF MARCELLA JONES, DECEASED, is a competent individual over the age of 18 currently residing in Tennessee and is the personal representative of the Estate of Marcella Jones, Deceased and hereby submits to the jurisdiction of this Court and alleges the Venue is proper. Decedent Marcella Jones regularly used Defendants' PRODUCTS in her perineal region and suffered from severe physical, economic, and emotional injuries as a result of her use of Defendants' PRODUCTS, including but not limited to Ovarian Cancer and her subsequent death on February 2, 2015 in Tennessee.

21. Plaintiff CYNTHIA STARR, INDIVIDUALLY, AND AS POWER OF ATTORNEY FOR IZETTA STARR, is a competent individual over the age of 18 currently residing in Louisiana and hereby submits to the jurisdiction of this Court and alleges that Venue in this Court is proper. Ms. Izetta Starr regularly used Defendants' PRODUCTS in her perineal region and suffered from severe physical, economic, and emotional injuries as a result of her use of Defendants' PRODUCTS, including but not limited to Ovarian Cancer diagnosed in 2009.

22. Plaintiff LASHAUN BRANTLEY, is a competent individual over the age of 18 currently residing in Florida and hereby submits to the jurisdiction of this Court and alleges that Venue in this Court is proper. Ms. Brantley regularly used Defendants' PRODUCTS in her perineal region and suffered from severe physical, economic, and emotional injuries as a result of her use of Defendants' PRODUCTS, including but not limited to Ovarian Cancer diagnosed in September, 2013.

23. Plaintiff RHONDA ARROYO, is a competent individual over the age of 18 currently residing in Connecticut and hereby submits to the jurisdiction of this Court and alleges that Venue in this Court is proper. Ms. Thomas regularly used Defendants' PRODUCTS in her perineal region and suffered from severe physical, economic, and emotional injuries as a result of her use of Defendants' PRODUCTS, including but not limited to Stage IIIC Ovarian Cancer diagnosed in May 2014.

24. Plaintiff MARIA MERINO, is a competent individual over the age of 18 currently residing in Florida and hereby submits to the jurisdiction of this Court and alleges that Venue in this Court is proper. Ms. Thomas regularly used Defendants' PRODUCTS in her perineal region and suffered from severe physical, economic, and emotional injuries as a result of her use of Defendants' PRODUCTS, including but not limited to Ovarian Cancer diagnosed in March, 2015.

PARTY DEFENDANTS

25. Defendant IMERYS TALC AMERICA, INC. f/k/a LUZENAC AMERICA, INC. is a Delaware corporation with its principal place of business in the State of California.

26. At all relevant times, IMERYS TALC AMERICA, INC. f/k/a LUZENAC AMERICA, INC. (hereinafter described as "Imerys Talc" or "Imerys Talc America, Inc."), has been in the business of mining and distributing talcum powder for use in talcum powder based products, including the PRODUCTS; the PRODUCTS were placed into Delaware's stream of commerce for sale to Delaware consumers. Imerys Talc is the successor or continuation of Luzenac America, Inc., and Imerys Talc America, Inc. is legally responsible for all liabilities incurred when it was known as Luzenac America, Inc.

27. Defendant OMJ PHARMACEUTICALS, INC. F/K/A JOHNSON & JOHNSON BABY PRODUCTS, INC. is a Delaware corporation.

28. At all relevant times, OMJ PHARMACEUTICALS, INC. F/K/A JOHNSON & JOHNSON BABY PRODUCTS, INC. (hereinafter described as "OMJ"), has been a wholly owned subsidiary of JOHNSON & JOHNSON, and has been directed by its parent company to manufacture, market, test, promote, sell, and/or distribute the PRODUCTS. At all relevant times, OMJ regularly transacted, solicited, and conducted business in all States of the United States, including the State of Delaware.

~~27.~~29. Defendant, JOHNSON & JOHNSON, is a New Jersey corporation with its principal place of business in the State of New Jersey.

~~28.~~30. At all relevant times, JOHNSON & JOHNSON was engaged in the business of manufacturing, marketing, testing, promoting, selling, and/or distributing the PRODUCTS. At all relevant times, Johnson & Johnson regularly transacted, solicited, and conducted business in all States of the United States, including the State of Delaware.

~~29.~~31. Defendant JOHNSON & JOHNSON CONSUMER COMPANIES, INC. is a New Jersey corporation with its principal place of business in the State of New Jersey.

~~30.~~32. At all relevant times, defendant JOHNSON & JOHNSON CONSUMER INC. F/K/A JOHNSON & JOHNSON CONSUMER COMPANIES, INC. was engaged in the business of manufacturing, marketing, testing, promoting, selling, and/or distributing the PRODUCTS. At all relevant times, JOHNSON & JOHNSON CONSUMER INC. F/K/A JOHNSON & JOHNSON CONSUMER COMPANIES, INC. regularly transacted, solicited, and conducted business in all States of the United States, including the State of Delaware.

~~31.~~33. Defendants JOHNSON & JOHNSON and JOHNSON & JOHNSON CONSUMER COMPANIES, INC. are collectively referred to herein as the "Johnson & Johnson Defendants".

~~32.~~

JURISDICTION AND VENUE

~~33.~~34. This Court has subject matter jurisdiction as the state trial court of general jurisdiction in suits seeking monetary damages in excess of $15,000.

~~34.~~35. This Court has personal jurisdiction over all Defendants pursuant to 10 Del. C. § 3104, whereby jurisdiction is conferred over persons transacting business or performing any character of work or service in the State of Delaware.

36. This Court has personal jurisdiction over Imerys Talc inasmuch as it is a Delaware corporation, as well as ~~transacts business~~its business transactions in the State.

~~35.~~37. This Court has personal jurisdiction over Johnson & Johnson Defendants inasmuch as OMJ is a wholly owned subsidiary of Johnson & Johnson Defendants. Johnson & Johnson Defendants intentionally established and maintained contacts with Delaware by its decision to continue to operate its wholly owned subsidiary, OMJ, a Delaware Corporation. Johnson & Johnson Defendants used the benefits and protections of the State of Delaware to maintain a corporate subsidiary. Thus, Delaware has an interest in holding Johnson & Johnson Defendants accountable for its actions in directing OMJ, a Delaware Corporation, to manufacture, market, test, promote, sell, and/or distribute the defective PRODUCTS in the United States, including the State of Delaware.

~~36.~~38. Venue is proper in this Court as Defendant Imerys Talc resides in this County.

~~ALLEGATIONS COMMON TO ALL COUNTS~~FACTS

~~37.~~39. Talc is a magnesium trisilicate that is mined from the earth. The Defendant, Imerys Talc America, Inc., f/k/a Luzanec America, Inc. mined the talc contained in the PRODUCTS.

~~38.~~40. Talc is the main substance in talcum powders. The Johnson & Johnson Defendants manufactured, manufactured, marketed, solicited, sold and distributed the PRODUCTS. ~~the PRODUCTS~~. OMJ manufactured, marketed, solicited, sold and distributed the PRODUCTS. The PRODUCTS are composed almost entirely of talc.

~~39.~~41. At all relevant times, a feasible alternative to the PRODUCTS has existed. Cornstarch is an organic carbohydrate that is quickly broken down by the body with no known health effects. Cornstarch powders have been sold and marketed for the same uses with nearly the same effectiveness as the PRODUCTS.

~~40.~~42. Imerys Talc has continually advertised and marketed talc as safe for human use.

~~41.~~43. Imerys Talc supplied its customers, including the Johnson & Johnson Defendants and OMJ, with Material Safety Data Sheets ("MSDS") for talc, which were supposed to convey adequate health and warning information to its customers.

~~42.~~44. Historically, "Johnson's Baby Powder" has been a symbol of freshness, cleanliness, and purity. During the time in question, the Johnson & Johnson Defendants and OMJ advertised and marketed this product as a symbol of "freshness" and "comfort," eliminating friction on the skin, absorbing "excess wetness" to keep skin feeling dry and comfortable, and "clinically proven gentle and mild." The Johnson & Johnson Defendants and OMJ compelled women through advertisements to dust themselves with this product to mask odors. The bottle of "Johnson's Baby Powder" that is manufactured, marketed, solicited, sold and distributed by OMJ

specifically targets women, stating: “For you, use every day to help feel soft, fresh, and comfortable.”

~~43.~~45. At all relevant times, the Johnson & Johnson Defendants advertised and marketed their “Shower to Shower” product as safe for use by women as evidenced in its slogan, “A sprinkle a day keeps odor away,” and through advertisements such as: “Your body perspires in more places than just under your arms. Use SHOWER to SHOWER to feel dry, fresh, and comfortable throughout the day;” and “SHOWER to SHOWER can be used all over your body.”

~~44. PCPC collaborated with Johnson & Johnson in marketing products, including talcum powder, directly to consumers for the stated purpose of increasing sales. At no time between 2005 and 2016 did PCPC inform consumers, including Plaintiffs, that the talcum powder marketed and sold was associated with ovarian cancer.~~

~~45.~~46. In 1971, the first study was conducted that suggested an association between talc and ovarian cancer. This study was conducted by Dr. WJ Henderson and others in Cardiff, Wales.

~~46.~~47. In 1982, the first epidemiologic study was performed on talc powder use in the female genital area. That study was conducted by Dr. Daniel Cramer and others. This study found a ninety-two percent increased risk of ovarian cancer with women who reported genital talc use. Shortly after this study was published, Dr. Bruce Semple of Johnson & Johnson came and visited Dr. Cramer about his study. Dr. Cramer advised Dr. Semple that Johnson & Johnson should place a warning on its talcum powders about the ovarian cancer risks so that women can make an informed decision about their health.

~~47.~~48. Since 1982, there have been approximately twenty-five (25) additional epidemiologic studies providing data regarding the association of talc and ovarian cancer. Nearly

all of these studies have reported an elevated risk of ovarian cancer associated with genital talc use in women.

~~48.~~49. In 1993, the United States National Toxicology Program published a study on the toxicity of non-asbestos form talc and found clear evidence of carcinogenic activity. Talc was found to be a carcinogen, with or without the presence of asbestos-like fibers.

~~49.~~50. In response to the United States National Toxicology Program's study, the Cosmetic Toiletry and Fragrance Association (CTFA), now known as ~~the PCPC~~the Personal care Products Council (PCPC), formed the Talc Interested Party Task Force (TIPTF). Johnson & Johnson, Inc., Johnson & Johnson Consumer Companies, Inc., and Luzenac—now known as Imerys Talc—were members of the CTFA and were the primary actors and contributors of the TIPTF.

~~50.~~51. Each of the members of the TIPTF signed a contractual agreement to guarantee funding to the CFTA for the development of scientific data, retention of consultants and other expenses necessary to advocate for the continued use of talc.

~~51.~~52. The stated purpose of TIPTF was to pool financial resources of these companies in order to defend talc use at all costs and to prevent regulation of any type over this industry. TIPTF hired scientists to perform biased research regarding the safety of talc. TIPTF members, including Johnson & Johnson and Luzenac, then edited these scientific reports hired by this group prior to the submissions of these scientific reports to governmental agencies. In addition, members of TIPTF knowingly released false information about the safety of talc to the consuming public and used political and economic influence on regulatory bodies regarding talc. These activities were conducted by these companies and organizations over the past four decades

in an effort to prevent regulation of talc and to create confusion to the consuming public about the true hazards of talc and its association to ovarian cancer.

52.53. In July 1993, the TIPTF, consisting of representatives from the Johnson & Johnson Defendants and Talc Imerys held a meeting at CFTA's offices in Washington, D.C., to organize and plan for a symposium requested by the FDA on the safety of talc. At the meeting, the TIPTF created a plan of action to minimize the safety risks of talc.

53.54. At all times relevant, PCPC coordinated the defense of talc and acted as a mouthpiece for the members of the TIPTF, including the Johnson & Johnson defendants and Imerys. PCPC, funded by cosmetic-industry companies, was motivated to defend talc because its members used talc in their products.

54.55. Since approximately 1976, the Cosmetic Ingredient Review ("CIR") has reviewed the safety of ingredients used in the cosmetic and personal care products industry. CIR is an organization within and wholly funded by PCPC.

55.56. Over the years, CIR has reviewed thousands of ingredients used in the cosmetics industry, but has only found twelve (12) to be "unsafe for use in cosmetics." In contrast, CIR has deemed approximately 1,800 ingredients to be "safe as used."

56.57. Even though PCPC knew of the safety concerns surrounding talc for almost three decades, the CIR did not begin to review talc until after the first lawsuit alleging a link between talc use and ovarian cancer was filed.

57.58. CIR released a Tentative Report in December 2012 and a final report in 2015. Upon information and belief, during the CIR review process, Defendants influenced the scientists working on the review and ultimately edited the reports and reviews in a biased

manner. CIR concluded in both reports that talc was safe for use in cosmetics and personal care products.

~~58.~~59. On November 19, 1994, the Cancer Prevention Coalition sent a letter to then-C.E.O. of Johnson & Johnson Ralph Larsen informing his company that studies as far back as the 1960's ". . . show conclusively that the frequent use of talcum powder in the genital area poses a serious health risk of ovarian cancer." The letter cited a recent study by Dr. Bernard Harlow from Harvard Medical School confirming this fact and quoted a portion of the study where Dr. Harlow and his colleagues discouraged the use of talc in the female genital area. The letter concluded by requesting that Johnson & Johnson withdraw talc products from the market because of the alternative of cornstarch powders, or at a minimum, place warning information on its talc-based body powders about the ovarian cancer risk they pose.

~~59.~~60. In 1996, the condom industry stopped dusting its condoms with talc due to the health concerns of ovarian cancer.

~~60.~~61. In February 2006, the International Agency for Research on Cancer (IARC), the specialized cancer agency of the World Health Organization, published a paper whereby they classified perineal use of talc-based body powder as a "Group 2B" human carcinogen. IARC, which is universally accepted as the international authority on cancer issues, concluded that studies from around the world consistently found an increased risk of ovarian cancer in women who used talc in perineal areas. IARC determined that between 16-52% of women worldwide used talc to dust their perineum and found an increased risk of ovarian cancer in women talc users ranging from 30-60%.

~~61.~~62. IARC concluded that "[t]here is limited evidence in humans for the carcinogenicity of perineal use of talc-based powder." By definition, "limited evidence of

carcinogenicity" means "a positive association has been observed between exposure to the agent and cancer for which a causal interpretation is considered by the Working Group to be credible, but chance, bias or confounding could not be ruled out with reasonable confidence."

~~62.~~63. In approximately 2006, the Canadian government, under The Hazardous PRODUCTS Act and associated Controlled PRODUCTS Regulations, classified talc as a "D2A," "very toxic," "cancer-causing" substance under its Workplace Hazardous Materials Information System (WHMIS). Asbestos is also classified as "D2A."

~~63.~~64. In 2006, Defendant Imerys Talc began placing a warning on the MSDS it provided to the Johnson & Johnson Defendants regarding the talc it sold to them for use in the PRODUCTS. The MSDSs not only provided the warning information about the IARC classification but also included warning information regarding "States Rights to Know" and warning information about the Canadian Government's D2A classification of talc.

~~64.~~65. In 2008, the Cancer Prevention Coalition submitted a "Petition Seeking a Cancer Warning on Cosmetic Talc PRODUCTS" to the FDA. The petition requested that the FDA immediately require cosmetic talcum powder products to bear labels with a prominent warning that frequent talc application in the female genital area is responsible for major risks of ovarian cancer.

~~65.~~66. On July 21, 2009, PCPC sent a letter to the FDA Division of Dockets Management responding to the Citizens Petition. The letter notes that because "talc is used within the personal care products industry" the "request for a warning is of significant interest to the Council's members." PCPC informed the FDA that it disagreed with the Petition's interpretation of the data and that there is no causative role between talc and ovarian cancer. The PCPC urged the FDA to deny the request for a cancer warning.

~~66.~~67. In 2013, Cancer Prevention Research published a study that showed that women who used talcum powder in their groin area had a 20 to 30 percent greater risk of developing ovarian cancer than women who did not use talc products in that area.

~~67.~~68. The Gilda Radner Familial Ovarian Cancer Registry, Roswell Park Center Institute, and the Department of Gynecologic Oncology University of Vermont publish a pamphlet entitled, "Myths & Facts about ovarian cancer: What you need to know." In this pamphlet, under "known" risk factors for ovarian cancer, it lists: "Use of Talc (Baby Powder) in the Genital Area."

~~68.~~69. The Defendants had a duty to know and warn about the hazards associated with the use of the PRODUCTS.

~~69.~~70. The Defendants failed to inform its customers and end users of the PRODUCTS of a known catastrophic health hazard associated with the use of its PRODUCTS.

~~70.~~71. In addition, the Defendants procured and disseminated false, misleading, and biased information regarding the safety of the PRODUCTS to the public and used influence over governmental and regulatory bodies regarding talc.

~~71.~~72. As a direct and proximate result of the Defendants' calculated and reprehensible conduct, Plaintiffs were injured and suffered damages, namely ovarian cancer, which required surgeries and treatments.

FEDERAL STANDARDS AND REQUIREMENTS

~~72.~~73. Plaintiffs hereby incorporate the above paragraphs as if fully set forth herein.

~~73.~~74. At all relevant times, Defendants had the obligation to comply with federal standards and regulations in the manufacture, design, marketing, branding, labeling, distribution, and sale of the PRODUCTS.

~~74.~~75. Defendants, each individually, *in solido*, and/or jointly, violated the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §301, *et seq.*

~~75.~~76. Defendants have or may have failed to comply with federal standards and requirements governing the manufacture, design, marketing, branding, and sale of the PRODUCTS including, but not limited to, the following violations of sections and subsections of the United States Code and the Code of Federal Regulations:

a. The PRODUCTS are adulterated in violation of 21 U.S.C. § 361 because, among other things, they contain a poisonous or deleterious substance which may render them injurious to users under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual.

b. The PRODUCTS are misbranded in violation of 21 U.S.C. § 362 because, among other things, their labeling is false or misleading.

c. The PRODUCTS are misbranded in violation 21 U.S.C. § 362 because words, statements, or other information required by or under authority of 21 U.S.C. § 362 are not prominently placed thereon with such conspicuousness and in such terms as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

d. The PRODUCTS are misbranded in violation of 21 C.F.R. § 701.1 because they contain false or misleading representations that they are safe for daily application to all parts of the female body.

e. The PRODUCTS do not bear a warning statement, in violation of 21 C.F.R. § 740.1, to prevent a health hazard that may be associated with the PRODUCTS, namely that the PRODUCTS may cause ovarian cancer or a heightened risk of ovarian cancer when applied to the perineal area.

f. The PRODUCTS do not prominently and conspicuously bear a warning statement, in violation of 21 C.F.R. § 740.2, as to the risk of ovarian cancer caused by the use of the PRODUCTS when applied to the perineal area, in such terms and design that it is likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

g. The PRODUCTS, in violation of 21 C.F.R. § 740.10, do not conspicuously state on their principal display panel that the safety of the PRODUCTS have not been determined and/or that the safety of the PRODUCTS' principal ingredients have not been determined.

JOINT AND SEVERAL LIABILITY

~~76.~~77. Plaintiffs hereby incorporate the above paragraphs as if fully set forth herein.

~~77.~~78. Defendants each individually, *in solido*, and/or jointly engaged in the following wrongful conduct, directly and proximately causing the injuries alleged herein.

COUNT I – STRICT LIABILITY FAILURE TO WARN
(Against Imerys Talc)

~~78.~~79. Plaintiffs incorporate by reference all other paragraphs in this Complaint as if set forth fully herein.

~~79.~~80. At all relevant times, Imerys Talc mined and sold talc to the Johnson & Johnson Defendants and OMJ with full knowledge that the Johnson & Johnson Defendants and OMJ were then packaging the talc and selling to consumers as the PRODUCTS and consumers of the PRODUCTS were using it to powder their perineal regions.

~~80.~~81. At all relevant times, by mining talc and supplying that talc to the Johnson & Johnson Defendants and OMJ for use in the PRODUCTS, Imerys Talc was knowingly an integral part of the overall manufacture, design, and production of the PRODUCTS and their introduction into the stream of interstate commerce.

~~81.~~82. At all relevant times, Imerys Talc knew or should have known of the unreasonably dangerous and carcinogenic nature of the talc it was selling to the Johnson & Johnson Defendants and OMJ, especially when applied to a woman's perineal regions, and it knew or should have known that Johnson & Johnson and OMJ was not warning its consumers of this danger.

~~82.~~83. At all relevant times, Imerys Talc knew or should have known that the use of the PRODUCTS significantly increase the risk of ovarian cancer in women based upon scientific knowledge dating back until at least 1971.

~~83.~~84. At all relevant times, the PRODUCTS were defective and unreasonably dangerous when used in a reasonably foreseeable manner because, despite Imerys Talc's knowledge that the PRODUCTS were carcinogenic and could lead to an increased risk of ovarian cancer, Imerys Talc failed to provide adequate warning and/or instruction to consumers, including Plaintiff, regarding the increased risk of ovarian cancer associated with the use of the PRODUCTS when applied to the perineal area.

~~84.~~85. Had Plaintiffs received warning or instruction regarding the increased risk of ovarian cancer associated with the PRODUCTS when applied to the perineal area, Plaintiffs would not have used the PRODUCTS in this manner.

~~85.~~86. Due to the absence of any warning or instruction by ~~the Defendants~~Imerys Talc as to the significant health and safety risks posed by the PRODUCTS as described herein, Plaintiffs were unaware that the PRODUCTS created an increased risk of ovarian cancer, as this danger was not known to the general public.

~~86.~~87. As a direct and proximate result of Imerys Talc's failure to warn Plaintiffs of the increased risk of ovarian cancer associated with the PRODUCTS when applied to the perineal

area, despite their actual knowledge of this material fact, Plaintiffs developed ovarian cancer and have been injured catastrophically and have been caused severe and permanent pain, suffering, disability, impairment, loss of enjoyment of life, loss of care, comfort and economic damages.

WHEREFORE, Plaintiffs demand judgment against Imerys Talc for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT II – STRICT LIABILITY FAILURE TO WARN
(Against ~~Johnson & Johnson Defendants~~OMJ)

~~87.~~88. Plaintiffs incorporate by reference all other paragraphs in this Complaint as if set forth fully herein.

~~88.~~89. At all relevant times, ~~the Johnson & Johnson Defendants~~OMJ ~~were~~ was engaged in the business of manufacturing, marketing, testing, promoting, selling and/or distributing, and otherwise introducing into the stream of interstate commerce, the PRODUCTS.

~~89.~~90. At all relevant times, ~~the Johnson & Johnson Defendants~~OMJ knew or should have known that the use of the PRODUCTS in the female perineal area significantly increased the risk of ovarian cancer in women based upon scientific knowledge dating back until at least 1971.

~~90.~~91. At all relevant times, the PRODUCTS, manufactured and supplied by ~~the Johnson & Johnson Defendants, were~~OMJ was defective and unreasonably dangerous ~~because~~, despite ~~the Johnson & Johnson Defendants'~~and with OMJ's knowledge that its PRODUCTS were carcinogenic and could lead to an increased risk of ovarian cancer when applied to the female perineal area, a reasonably foreseeable use of the PRODUCTS, ~~the Johnson & Johnson Defendants~~ OMJ failed to provide adequate warning or instruction to consumers, including

Plaintiffs, regarding the increased risk of ovarian cancer when the PRODUCTS are applied to the female perineal area.

~~91.~~92. At all relevant times, Plaintiffs used the PRODUCTS to powder their perineal areas, a use that was reasonably foreseeable and for which the PRODUCTS were supplied.

~~92.~~93. Had Plaintiffs received warning and/or instruction from ~~the Johnson & Johnson Defendants~~OMJ regarding the increased risk of ovarian cancer associated with the PRODUCTS when applied to the perineal area, Plaintiffs would not have used the PRODUCTS in this manner.

~~93.~~94. Due to the absence of any warning or instruction by the ~~Johnson & Johnson Defendants~~OMJ as to the significant health and safety risks posed by the PRODUCTS as described herein, Plaintiffs were unaware that the PRODUCTS created an increased risk of ovarian cancer, as this danger was not known to the general public.

~~94.~~95. As a direct and proximate result of ~~Johnson & Johnson Defendants'~~OMJ's failure to warn Plaintiffs of the increased risk of ovarian cancer associated with the PRODUCTS when applied to the perineal area, despite their actual knowledge of this material fact, Plaintiffs developed ovarian cancer and have been injured catastrophically and have been caused severe and permanent pain, suffering, disability, impairment, loss of enjoyment of life, loss of care, comfort and economic damages.

WHEREFORE, Plaintiff~~s~~ demands judgment against ~~the Johnson & Johnson Defendants~~OMJ for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT III – STRICT LIABILITY FAILURE TO WARN

(Against Johnson & Johnson Defendants)

121. Plaintiffs incorporate by reference all other paragraphs in this Complaint as if set forth fully herein.

122. At all relevant times, the Johnson & Johnson Defendants were engaged in the business of manufacturing, marketing, testing, promoting, selling and/or distributing, and otherwise introducing into the stream of interstate commerce, the PRODUCTS.

123. At all relevant times, the Johnson & Johnson Defendants knew or should have known that the use of the PRODUCTS in the female perineal area significantly increased the risk of ovarian cancer in women based upon scientific knowledge dating back until at least 1971.

124. At all relevant times, the PRODUCTS, manufactured and supplied by the Johnson & Johnson Defendants, were defective and unreasonably dangerous, and despite this, the Johnson & Johnson Defendants with knowledge that its PRODUCTS were carcinogenic and could lead to an increased risk of ovarian cancer when applied to the female perineal area, a reasonably foreseeable use of the PRODUCTS, the Johnson & Johnson Defendants failed to provide adequate warning or instruction to consumers, including Plaintiffs, regarding the increased risk of ovarian cancer when the PRODUCTS are applied to the female perineal area.

125. At all relevant times, Plaintiffs used the PRODUCTS to powder their perineal areas, a use that was reasonably foreseeable and for which the PRODUCTS were supplied.

126. Had Plaintiffs received warning and/or instruction from the Johnson & Johnson Defendants regarding the increased risk of ovarian cancer associated with the PRODUCTS when applied to the perineal area, Plaintiffs would not have used the PRODUCTS in this manner.

127. Due to the absence of any warning or instruction by the Johnson & Johnson Defendants as to the significant health and safety risks posed by the PRODUCTS as described herein, Plaintiffs were unaware that the PRODUCTS created an increased risk of ovarian cancer, as this danger was not known to the general public.

128. As a direct and proximate result of Johnson & Johnson Defendants' failure to warn Plaintiffs of the increased risk of ovarian cancer associated with the PRODUCTS when applied to the perineal area, despite their actual knowledge of this material fact, Plaintiffs developed ovarian cancer and have been injured catastrophically and have been caused severe and permanent pain, suffering, disability, impairment, loss of enjoyment of life, loss of care, comfort and economic damages.

WHEREFORE, Plaintiffs demand judgment against the Johnson & Johnson Defendants for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT IV~~II~~ – STRIKE LIABILITY DESIGN DEFECT
(Against Imerys Talc)

~~95.~~96. Plaintiffs incorporate by reference all other paragraphs in this Complaint as if set forth fully herein.

~~96.~~97. At all relevant times, Defendant Imerys Talc was engaged in the business of mining and distributing talcum to Johnson & Johnson Defendants and OMJ for use in the PRODUCTS, and they were knowingly an integral part of the overall manufacture, design, and production of the PRODUCTS and their introduction into the stream of interstate commerce.

~~97.~~98. At all relevant times, the PRODUCTS were expected to and did reach Plaintiffs without a substantial change in their condition.

~~98.~~99. At all relevant times, the PRODUCTS were defectively and improperly manufactured and designed by Imerys Talc in that, when Imerys Talc supplied its talc product to Johnson & Johnson and OMJ with full knowledge that Johnson & Johnson and OMJ would use its talc in formulating the PRODUCTS and that the talc would be the primary ingredient in the PRODUCTS, the foreseeable risks of the PRODUCTS far outweighed the benefits associated with their design and formulation.

~~99.~~100. At all relevant times, the PRODUCTS were defectively manufactured and designed by Imerys Talc in that their design and formulation is more dangerous than an ordinary consumer would expect when used in an intended and reasonably foreseeable manner.

~~100.~~101. At all relevant times, the PRODUCTS created significant risks to the health and safety of consumers that far outweigh the risks posed by other products on the market used for the same therapeutic purpose.

~~101.~~102. As a direct and proximate result of the defective design and manufacture of the PRODUCTS, Plaintiffs developed ovarian cancer and have been injured catastrophically and have been caused severe and permanent pain, suffering, disability, impairment, loss of enjoyment of life, loss of care, comfort and economic damages.

WHEREFORE, Plaintiffs demand judgment against Imerys Talc for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT V – STRICT LIABILITY DESIGN DEFECT

(Against OMJ)

136. Plaintiffs incorporate by reference all other paragraphs in this Complaint as if set forth fully herein.

137. At all relevant times, OMJ were engaged in the business of manufacturing, formulating, creating, designing, testing, labeling, packaging, supplying, marketing, promoting, selling, advertising, and otherwise introducing the PRODUCTS into the stream of interstate commerce, which they sold and distributed throughout the United States.

138. At all relevant times, the PRODUCTS were expected to and did reach Plaintiff without a substantial change in condition.

139. At all relevant times, the PRODUCTS were defectively and improperly manufactured and designed by OMJ in that, when the PRODUCTS left the hands of OMJ, the foreseeable risks of the PRODUCTS far outweighed the benefits associated with their design and formulation.

140. At all relevant times, the PRODUCTS were defectively manufactured and designed by OMJ in that their design and formulation is more dangerous than an ordinary consumer would expect when used in an intended and reasonably foreseeable manner.

141. At all relevant times, the PRODUCTS created significant risks to the health and safety of consumers that far outweigh the risks posed by other products on the market used for the same therapeutic purpose.

142. At all relevant times, a reasonable and safer alternative design existed, which could have feasibly been employed by OMJ to manufacture a product with the same therapeutic purpose as the PRODUCTS. Despite knowledge of this reasonable and safer alternative design, OMJ failed to alter the PRODUCTS' design and formulation. The magnitude of the danger created by the PRODUCTS far outweighs the costs associated with using an alternative, safer design.

143. As a direct and proximate result of the defective design and manufacture of the PRODUCTS, Plaintiffs developed ovarian cancer and have been injured catastrophically and have been caused severe and permanent pain, suffering, disability, impairment, loss of enjoyment of life, loss of care, comfort and economic damages.

WHEREFORE, Plaintiffs demand judgment against OMJ for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT VI~~IV~~ – STRICT LIABILITY DESIGN DEFECT
(Against Johnson & Johnson Defendants)

~~102.~~103. Plaintiffs incorporate by reference all other paragraphs in this Complaint as if set forth fully herein.

~~103.~~104. At all relevant times, the Johnson & Johnson Defendants were engaged in the business of manufacturing, formulating, creating, designing, testing, labeling, packaging, supplying, marketing, promoting, selling, advertising, and otherwise introducing the PRODUCTS into the stream of interstate commerce, which they sold and distributed throughout the United States.

~~104.~~105. At all relevant times, the PRODUCTS were expected to and did reach Plaintiff without a substantial change in condition.

~~105.~~106. At all relevant times, the PRODUCTS were defectively and improperly manufactured and designed by the Johnson & Johnson Defendants in that, when the PRODUCTS left the hands of the Johnson & Johnson Defendants, the foreseeable risks of the PRODUCTS far outweighed the benefits associated with their design and formulation.

~~106.~~107. At all relevant times, the PRODUCTS were defectively manufactured and designed by the Johnson & Johnson Defendants in that their design and formulation is more dangerous than an ordinary consumer would expect when used in an intended and reasonably foreseeable manner.

~~107.~~108. At all relevant times, the PRODUCTS created significant risks to the health and safety of consumers that far outweigh the risks posed by other products on the market used for the same therapeutic purpose.

~~108.~~109. At all relevant times, a reasonable and safer alternative design existed, which could have feasibly been employed by the Johnson & Johnson Defendants to manufacture a product with the same therapeutic purpose as the PRODUCTS. Despite knowledge of this reasonable and safer alternative design, the Johnson & Johnson Defendants failed to alter the PRODUCTS' design and formulation. The magnitude of the danger created by the PRODUCTS far outweighs the costs associated with using an alternative, safer design.

~~109.~~110. As a direct and proximate result of the defective design and manufacture of the PRODUCTS, Plaintiffs developed ovarian cancer and have been injured catastrophically and have been caused severe and permanent pain, suffering, disability, impairment, loss of enjoyment of life, loss of care, comfort and economic damages.

WHEREFORE, Plaintiffs demand judgment against the Johnson & Johnson Defendants for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT VII – NEGLIGENCE
(Against Imerys Talc)

~~110.~~111. Plaintiffs incorporate by reference all other paragraphs in this Complaint as if set forth fully herein.

~~111.~~112. At all relevant times, Imerys Talc had a duty to exercise reasonable care to consumers, including Plaintiffs herein, in the design, development, manufacture, testing, inspection, packaging, promotion, marketing, distribution, labeling and/or sale of the PRODUCTS.

~~112.~~113. At all relevant times, Imerys Talc mined and sold talc to the Johnson & Johnson Defendants~~,~~ and OMJ which it knew was then being packaged and sold to consumers as the PRODUCTS by the Johnson and Johnson Defendants and OMJ. Further, Imerys Talc knew that consumers of the PRODUCTS were using it to powder their perineal regions.

~~113.~~114. At all relevant times, Imerys Talc knew or should have known that the use of the PRODUCTS in the perineal area significantly increases the risk of ovarian cancer based upon scientific knowledge dating back to the 1971.

~~114.~~115. At all relevant times, Imerys Talc knew that Johnson & Johnson Defendants and OMJ were not providing warnings to consumers of the PRODUCTS of the risk of ovarian cancer posed by talc contained therein.

~~115.~~116. At all relevant times, Imerys Talc was negligent in providing talc to the Johnson & Johnson Defendants and OMJ. Imerys Talc possessed information on the carcinogenic properties of talc, including its risk of causing ovarian cancer. Imerys Talc was negligent because it knew that the talc they provided to Johnson & Johnson Defendants and OMJ would be used in the PRODUCTS, but they did not adequately take steps to ensure that ultimate

consumers of the PRODUCTS, including Plaintiffs, received the information that Imerys Talc possessed on the carcinogenic properties of talc.

~~116.~~117. As a direct and proximate result of Imerys Talc's negligence, Plaintiffs developed ovarian cancer and have been injured catastrophically and have been caused severe and permanent pain, suffering, disability, impairment, loss of enjoyment of life, loss of care, comfort and economic damages.

WHEREFORE, Plaintiffs demand judgment against Imerys Talc for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT VIVIII – NEGLIGENCE

(OMJ)

159. Plaintiffs incorporate by reference all other paragraphs in this Complaint as if set forth fully herein.

160. At all relevant times, OMJ breached their duty to Plaintiffs and were otherwise negligent in marketing, designing, manufacturing, producing, supplying, inspecting, testing, selling and/or distributing the PRODUCTS in one or more of the following respects:

a. In failing to warn Plaintiffs of the hazards associated with the use of the PRODUCTS;

b. In failing to properly test their products to determine adequacy and effectiveness or safety measures, if any, prior to releasing the PRODUCTS for consumer use;

c. In failing to properly test the PRODUCTS to determine the increased risk of ovarian cancer during the normal and/or intended use of the PRODUCTS;

d. In failing to inform ultimate users, such as Plaintiffs, as to the safe and proper methods of handling and using the PRODUCTS;

e. In failing to remove the PRODUCTS from the market when the Defendants knew or should have known the PRODUCTS were defective;

f. In failing to instruct the ultimate users, such as Plaintiffs, as to the methods for reducing the type of exposure to the PRODUCTS which caused increased risk of ovarian cancer;

g. In failing to inform the public in general and the Plaintiffs in particular of the known dangers of using the PRODUCTS for dusting the perineum;

h. In failing to advise users how to prevent or reduce exposure that caused an increased risk for ovarian cancer;

i. In marketing and labeling the PRODUCTS as safe for all uses despite knowledge to the contrary;

j. In failing to act like a reasonably prudent company under similar circumstances;

k. In failing to use a safer alternative to talc in the PRODUCTS, such as cornstarch.

Each and all of these acts and omissions, taken singularly or in combination, were a proximate cause of the injuries and damages sustained by Plaintiffs.

161. At all relevant times, OMJ knew or should have known that the PRODUCTS were unreasonably dangerous and defective when put to their reasonably anticipated use.

162. As a direct and proximate result of OMJ's negligence, Plaintiffs purchased and used the PRODUCTS that directly and proximately caused each Plaintiff to develop ovarian cancer. As a direct and proximate result, Plaintiffs were caused to incur medical bills, lost wages, and conscious pain and suffering.

WHEREFORE, Plaintiffs demand judgment against OMJ for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT IX~~VI~~ – NEGLIGENCE

(Johnson & Johnson Defendants)

~~117.~~118. Plaintiffs incorporate by reference all other paragraphs in this Complaint as if set forth fully herein.

~~118.~~119. At all relevant times, the Johnson & Johnson Defendants breached their duty to Plaintiffs and were otherwise negligent in marketing, designing, manufacturing, producing, supplying, inspecting, testing, selling and/or distributing the PRODUCTS in one or more of the following respects:

a. In failing to warn Plaintiffs of the hazards associated with the use of the PRODUCTS;

b. In failing to properly test their products to determine adequacy and effectiveness or safety measures, if any, prior to releasing the PRODUCTS for consumer use;

c. In failing to properly test the PRODUCTS to determine the increased risk of ovarian cancer during the normal and/or intended use of the PRODUCTS;

d. In failing to inform ultimate users, such as Plaintiffs, as to the safe and proper methods of handling and using the PRODUCTS;

e. In failing to remove the PRODUCTS from the market when the Defendants knew or should have known the PRODUCTS were defective;

f. In failing to instruct the ultimate users, such as Plaintiffs, as to the methods for reducing the type of exposure to the PRODUCTS which caused increased risk of ovarian cancer;

g. In failing to inform the public in general and the Plaintiffs in particular of the known dangers of using the PRODUCTS for dusting the perineum;

h. In failing to advise users how to prevent or reduce exposure that caused an increased risk for ovarian cancer;

i. In marketing and labeling the PRODUCTS as safe for all uses despite knowledge to the contrary;

j. In failing to act like a reasonably prudent company under similar circumstances;

k. In failing to use a safer alternative to talc in the PRODUCTS, such as cornstarch.

Each and all of these acts and omissions, taken singularly or in combination, were a proximate cause of the injuries and damages sustained by Plaintiffs.

~~119.~~120. At all relevant times, the Johnson & Johnson Defendants knew or should have known that the PRODUCTS were unreasonably dangerous and defective when put to their reasonably anticipated use.

~~120.~~121. As a direct and proximate result of the Johnson & Johnson Defendants' negligence, Plaintiffs purchased and used the PRODUCTS that directly and proximately caused each Plaintiff to develop ovarian cancer. As a direct and proximate result, Plaintiffs were caused to incur medical bills, lost wages, and conscious pain and suffering.

WHEREFORE, Plaintiffs demand judgment against the Johnson & Johnson Defendants for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT X – BREACH OF EXPRESS WARRANTY

(Against OMJ)

167. Plaintiffs incorporate by reference all other paragraphs in this Complaint as if set forth fully herein.

168. At all relevant times, OMJ knew or should have known that the PRODUCTS were unreasonably dangerous and defective when put to their reasonably anticipated use.

169. At all relevant times, OMJ expressly warranted, through direct-to-consumer marketing, advertisements, and labels, that the PRODUCTS were safe and effective for reasonably anticipated uses, including use by women in their perineal area. Although the label has changed over time, the message has been the same: that the product is safe for use on women as well as babies. At least as of 2014, the baby powder label stated that "Johnson's® Baby Powder is designed to gently absorb excess moisture helping skin feel comfortable. Our

incredibly soft, hypoallergenic, dermatologist and allergy-tested formula glides over skin to leave it feeling delicately soft and dry while providing soothing relief." OMJ instruct consumers on the product labeling to "Shake powder directly into your hand, away from the face, before smoothing onto the skin."

170. Through other marketing, including on their website for Johnson's® Baby Powder, Defendants similarly encouraged women to use the product daily. Defendants state that Johnson's® Baby Powder "keeps skin feeling soft, fresh and comfortable. It's a classic. Johnson's® Baby Powder helps eliminate friction while keeping skin cool and comfortable. It's made of millions of tiny slippery plates that glide over each other to help reduce the irritation caused by friction." Under a heading "How to Use," "For skin that feels soft, fresh and comfortable, apply Johnson's® Baby Powder close to the body, away from the face. Shake powder into your hand and smooth onto skin." Under a heading "When to Use", OMJ recommend that the consumer "Use anytime you want skin to feel soft, fresh and comfortable. For baby, use after every bath and diaper change." On their website for Johnson's® Baby Powder, Defendants also state the product is "Clinically proven to be safe, gentle and mild."

171. Even more recently, in February or March, 2016, after a St. Louis Jury rendered a $72 million dollar verdict against Johnson & Johnson, including punitive damages, Johnson & Johnson, wholly owner of its subsidiary OMJ, published a web page directed at consumers, misleadingly assuring them of the safety of talc titled "Our Safety & Care Commitment" and touted the safety of talc, stating, inter alia:

a. "Decades of Safety: Our confidence in using talc reflects more than 30 years of research by independent scientists, review boards and global authorities, which have concluded that talc can be used safely in personal care products. Various

government agencies and other bodies also have examined talc to determine the potential for any safety risks, and none have concluded that there are safety risks. In fact, no regulatory agency has ever required a change in labeling to reflect any safety risk from talc powder products."

b. "Our Position on Talc: At Johnson & Johnson Consumer Inc., our confidence in using talc is based on a long history of safe use and more than 30 years of research by independent researchers, scientific review boards and global regulatory authorities. Various agencies and governmental bodies have examined whether talc is a carcinogen, and none have concluded that it is. With over 100 years of use, few ingredients have the same demonstrated performance, mildness and safety profile as cosmetic talc."

c. "We want to assure women and caregivers who use our talc products that numerous studies support its safety, and these include assessments by external experts in addition to our company testing. Many research papers and epidemiology studies have specifically evaluated talc and perineal use and these studies have found talc to be safe"

172. At all relevant times, even up until present day, OMJ's representations relating to talc: that the PRODUCTS are safe for personal use, including in the perineal region.

173. At all relevant times, the PRODUCTS did not conform to these express representations because they cause serious injury, including ovarian cancer, when used by women in the perineal area.

174. As a direct and proximate result of the Defendants' breach of warranty, Plaintiffs purchased and used the PRODUCTS that directly and proximately caused each Plaintiff to develop ovarian cancer. Plaintiffs were caused to incur medical bills, lost wages, and conscious pain and suffering.

WHEREFORE, Plaintiffs demand judgment against OMJ for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT ~~XIVII~~ XIV – BREACH OF EXPRESS WARRANTY

(Against Johnson & Johnson Defendants)

~~121.~~122. Plaintiffs incorporate by reference all other paragraphs in this Complaint as if set forth fully herein.

~~122.~~123. At all relevant times, the Johnson & Johnson Defendants knew or should have known that the PRODUCTS were unreasonably dangerous and defective when put to their reasonably anticipated use.

~~123.~~124. At all relevant times, the Johnson & Johnson Defendants expressly warranted, through direct-to-consumer marketing, advertisements, and labels, that the PRODUCTS were safe and effective for reasonably anticipated uses, including use by women in their perineal area. Although the label has changed over time, the message has been the same: that the product is safe for use on women as well as babies. At least as of 2014, the baby powder label stated that "Johnson's® Baby Powder is designed to gently absorb excess moisture helping

skin feel comfortable. Our incredibly soft, hypoallergenic, dermatologist and allergy-tested formula glides over skin to leave it feeling delicately soft and dry while providing soothing relief." The Johnson & Johnson Defendants instruct consumers on the product labeling to "Shake powder directly into your hand, away from the face, before smoothing onto the skin."

~~124.~~125. Through other marketing, including on their website for Johnson's® Baby Powder, Defendants similarly encouraged women to use the product daily. Defendants state that Johnson's® Baby Powder "keeps skin feeling soft, fresh and comfortable. It's a classic. Johnson's® Baby Powder helps eliminate friction while keeping skin cool and comfortable. It's made of millions of tiny slippery plates that glide over each other to help reduce the irritation caused by friction." Under a heading "How to Use," "For skin that feels soft, fresh and comfortable, apply Johnson's® Baby Powder close to the body, away from the face. Shake powder into your hand and smooth onto skin." Under a heading "When to Use", the Johnson & Johnson Defendants recommend that the consumer "Use anytime you want skin to feel soft, fresh and comfortable. For baby, use after every bath and diaper change." On their website for Johnson's® Baby Powder, Defendants also state the product is "Clinically proven to be safe, gentle and mild."

~~125.~~126. Even more recently, in February or March, 2016, after a St. Louis Jury rendered a $72 million dollar verdict against Johnson & Johnson, including punitive damages, Johnson & Johnson published a web page directed at consumers misleadingly assuring them of the safety of talc titled "Our Safety & Care Commitment" and touted the safety of talc, stating, *inter alia*:

a. "Decades of Safety: Our confidence in using talc reflects more than 30 years of research by independent scientists, review boards and global authorities, which have concluded that talc can be used safely in personal care products. Various government agencies and other bodies also have examined talc to determine the potential for any

safety risks, and none have concluded that there are safety risks. In fact, no regulatory agency has ever required a change in labeling to reflect any safety risk from talc powder products."

b. "Our Position on Talc: At Johnson & Johnson Consumer Inc., our confidence in using talc is based on a long history of safe use and more than 30 years of research by independent researchers, scientific review boards and global regulatory authorities. Various agencies and governmental bodies have examined whether talc is a carcinogen, and none have concluded that it is. With over 100 years of use, few ingredients have the same demonstrated performance, mildness and safety profile as cosmetic talc."

c. "We want to assure women and caregivers who use our talc products that numerous studies support its safety, and these include assessments by external experts in addition to our company testing. Many research papers and epidemiology studies have specifically evaluated talc and perineal use and these studies have found talc to be safe"

~~126.~~127. At all relevant times, even up until present day, the Johnson & Johnson Defendant's representations relating to talc: that the PRODUCTS are safe for personal use, including in the perineal region.

~~127.~~128. At all relevant times, the PRODUCTS did not conform to these express representations because they cause serious injury, including ovarian cancer, when used by women in the perineal area.

~~128.~~129. As a direct and proximate result of the Defendants' breach of warranty, Plaintiffs purchased and used the PRODUCTS that directly and proximately caused each Plaintiff to develop ovarian cancer. Plaintiffs were caused to incur medical bills, lost wages, and conscious pain and suffering.

WHEREFORE, Plaintiffs demand judgment against the Johnson & Johnson Defendants for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT ~~VIII~~ XII – BREACH OF IMPLIED WARRANTIES

(Against Johnson & Johnson Defendants and OMJ)

~~129.~~130. Plaintiffs incorporate by reference all other paragraphs in this Complaint as if set forth fully herein.

~~130.~~131. At the time the Defendants manufactured, marketed, labeled, promoted, distributed and/or sold the PRODUCTS, the Johnson & Johnson Defendants and OMJ knew of the uses for which the PRODUCTS were intended, including use by women in the perineal area. With this knowledge, they impliedly warranted the PRODUCTS to be of merchantable quality and safe for such use.

~~131.~~132. The Johnson & Johnson Defendants and OMJ breached their implied warranties of the PRODUCTS sold to Plaintiffs because they were not fit for their common, ordinary and intended uses, including use by women in the perineal area.

~~132.~~133. As a direct and proximate result of the Johnson & Johnson Defendants' and OMJ's breach of implied warranties, Plaintiffs purchased and used the PRODUCTS that directly and proximately caused each Plaintiff to develop ovarian cancer. As a result, Plaintiffs were caused to incur medical bills, lost wages, and conscious pain and suffering.

WHEREFORE, Plaintiffs demand judgment against the Johnson & Johnson Defendants and OMJ for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT XIII~~IX~~ – CIVIL CONSPIRACY

(Against All Defendants)

~~133.~~134. Plaintiffs incorporate by reference all other paragraphs in this Complaint as if set forth fully herein.

~~134.~~135. Defendants and/or their predecessors-in-interest knowingly agreed, contrived, combined, confederated and conspired among themselves to cause Plaintiffs' injuries, diseases, and/or illnesses by exposing the Plaintiffs to harmful and dangerous PRODUCTS. Defendants further knowingly agreed, contrived, confederated and conspired to deprive the Plaintiffs of the opportunity of informed free choice as to whether to use the PRODUCTS or to expose themselves to the stated dangers. Defendants committed the wrongs as described herein by willfully misrepresenting and suppressing the truth as to the risks and dangers associated with the use of and exposure to the PRODUCTS.

~~135.~~136. In furtherance of said conspiracies, Defendants performed the following overt acts:

a. For many decades, Defendants, individually, jointly, and in conspiracy with each other, have been in possession of medical and scientific data, literature and test reports that clearly indicated that use of their by women resulting from ordinary and foreseeable use of the PRODUCTS were unreasonably dangerous, hazardous, deleterious to human health, carcinogenic, and potentially deadly;

b. Despite the medical and scientific data, literature, and test reports possessed by and available to Defendants, Defendants individually, jointly, and in conspiracy with each other, fraudulently, willfully and maliciously:

    i. Withheld, concealed and suppressed said medical information regarding the increased risk of ovarian cancer from Plaintiffs, as described above; In addition, on July 27, 2005, Defendants, as part of the TIPTF, corresponded about and agreed to edit and delete portions of scientific papers being submitted on their behalf to the United States Toxicology Program in an attempt to prevent talc from being classified as a carcinogen;

    ii. Instituted a "defense strategy" through the TIPTF to defend talc at all costs. In furtherance of this defense strategy, Defendants, through the TIPTF, used their influence over the National Toxicology Program ("NTP') Subcommittee and the threat of litigation against the NTP to prevent the NTP

from classifying talc as a carcinogen on its 10th Report on Carcinogens ("RoC");

iii. Caused to be released, published and disseminated medical and scientific data, literature, and test reports containing information and statements regarding the risks of ovarian cancer which Defendants knew were incorrect, incomplete, outdated, and misleading. Specifically, Defendants, through the TIPTF, collectively agreed to release false information to the public regarding the safety of talc on July 1, 1992; July 8, 1992; and November 17, 1994. In a letter dated September 17, 1997, the Defendants were criticized by their own toxicologist consultant for releasing this false information to the public, yet nothing was done by the Defendants to correct or redact this public release of knowingly false information.

c. By these false and fraudulent representations, omissions, and concealments, Defendants intended to induce and did induce the Plaintiffs to rely upon these false and fraudulent representations, omissions and concealments, and to continue to expose themselves to the dangers inherent in the use of and exposure to the PRODUCTS.

~~136.~~137. Plaintiffs reasonably and in good faith relied upon the fraudulent representations, omissions, and concealments made by Defendants regarding the nature of the PRODUCTS.

~~137.~~138. As a direct, foreseeable and proximate result of the Defendants' conspiracy, Plaintiffs purchased and used the PRODUCTS in the perineal areas, which directly and proximately caused each Plaintiff to develop ovarian cancer. Plaintiffs were caused to incur medical bills, lost wages, and conscious pain and suffering.

WHEREFORE, Plaintiffs demand judgment against all Defendants for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT XIV~~X~~ – FRAUD, FRAUDULENT MISREPRESENTATION, AND INTENTIONAL CONCEALMENT
(Against Johnson & Johnson Defendants and OMJ)

~~138.~~139. Plaintiffs incorporate by reference all other paragraphs in this Complaint as if set forth fully herein.

~~139.~~140. At all relevant times, the Johnson & Johnson Defendants amd OMJ intentionally, willfully, and/or recklessly, with the intent to deceive, misrepresented and/or concealed material facts to consumers and users, including Plaintiffs.

~~140.~~141. At all relevant times, the Johnson & Johnson Defendants and OMJ misrepresented and/or concealed material facts concerning the PRODUCTS to consumers, including the Plaintiffs, with knowledge of the falsity of their misrepresentations.

~~141.~~142. At all relevant times, upon information and belief, the misrepresentations and concealments concerning the PRODUCTS made by the Johnson & Johnson Defendants and OMJ include, but are not limited to the following:

a. The Johnson & Johnson Defendants and OMJ falsely labeled and advertised the PRODUCTS in the following ways, among others: "For you, use every day to help feel soft, fresh, and comfortable," "a sprinkle a day keeps the odor away," "your body perspires in more places than just under your arms,"

~~a.~~b. The Johnson & Johnson Defendants and OMJ falsely labeled and advertised the PRODUCTS in the following ways, among others: "Use SHOWER to SHOWER to feel dry, fresh, and comfortable throughout the day," and "SHOWER to SHOWER can be used all over your body." "Clinically proven gentle and mild."

~~b.~~c. The Johnson & Johnson Defendants and OMJ falsely advertised the PRODUCT SHOWER to SHOWER to be applied "all over," and in particular, urges women to use it to "Soothe Your Skin: Sprinkle on problem areas to soothe skin that has been irritated from friction. Apply after a bikini wax to help reduce irritation and discomfort."

~~c.~~d. The Johnson & Johnson Defendants and OMJ~~,~~ through the advertisements described above, knowingly misrepresented to Plaintiff and the public that the PRODUCTS were safe for use all over the body, including the perineal areas of women.

~~d.~~e. The Johnson & Johnson Defendants and OMJ intentionally failed to disclose that talc and the associated PRODUCTS, when used in the perineal area, increase the risk of ovarian cancer.

~~e.~~f. The Johnson & Johnson Defendants and OMJ intentionally failed to include adequate warnings with the PRODUCTS regarding the potential and actual risks of using the PRODUCTS in the perineal area on women and the nature, scope, severity, and duration of any serious injuries resulting therefrom. [2]

~~f.~~g. Despite knowing about the carcinogenic nature of talc and its likelihood to increase the risk of ovarian cancer in women, the Johnson & Johnson Defendants and OMJ falsely marketed, advertised, labeled and sold the PRODUCTS as safe for public consumption and usage, including for use by women to powder their perineal areas.

~~142.~~143. At all relevant times, the Johnson & Johnson Defendants and OMJ actively, knowingly, and intentionally concealed and misrepresented these material facts to the consuming public with the intent to deceive the public and Plaintiffs, and with the intent that the consumers would purchase and use the PRODUCTS in the female perineal area.

~~143.~~144. At all relevant times, the consuming public, including Plaintiffs, would not otherwise have purchased the PRODUCTS and/or applied the PRODUCTS in the perineal area if they had been informed of the risks associated with the use of the PRODUCTS in the perineal area.

~~144.~~145. At all relevant times, Plaintiffs relied on the Johnson & Johnson Defendants' misrepresentations concerning the safety of the PRODUCTS when purchasing the PRODUCTS and using them in her perineal area, and her reliance was reasonable and justified.

~~145. As a direct, foreseeable and proximate result of the Johnson & Johnson Defendants' fraudulent conduct, Plaintiffs purchased and used the PRODUCTS in their perineal areas. As a direct and proximate result of such use, each Plaintiff developed ovarian cancer, and Plaintiffs were caused to incur medical bills, lost wages, and conscious pain and suffering.~~

[2] Household PRODUCTS Database, Label for Johnson's Baby Powder, Original, http://householdproducts.nlm.nih.gov/cgi-bin/household/brands?tbl=brands&id=10001040

~~WHEREFORE, Plaintiffs demand judgment against the Johnson & Johnson Defendants for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.~~

~~**COUNT XI – NEGLIGENT MISREPRESENTATION**~~

~~**(Against All Defendants)**~~

~~146. Plaintiffs incorporate by reference all other paragraphs in this Complaint as if set forth fully herein.~~

146. ~~As a direct, foreseeable and proximate result of the Johnson & Johnson Defendants' fraudulent conduct,~~ Plaintiffs purchased and used the PRODUCTS in their perineal areas. As a direct and proximate result of such use, each Plaintiff developed ovarian cancer, and Plaintiffs were caused to incur medical bills, lost wages, and conscious pain and suffering.

WHEREFORE, Plaintiffs demand judgment against the Johnson & Johnson Defendants and OMJ for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT XV – NEGLIGENT MISREPRESENTATION

~~147.~~ (Against All Defendants)

147. Plaintiffs incorporate by reference all other paragraphs in this Complaint as if set forth fully herein.

148. As a direct, foreseeable and proximate result of the Johnson & Johnson Defendants' and OMJ's fraudulent conduct, Plaintiffs purchased and used the PRODUCTS in their perineal areas. As a direct and proximate result of such use, each Plaintiff developed ovarian cancer, and Plaintiffs were caused to incur medical bills, lost wages, and conscious pain and suffering.

~~148.~~149. All Defendants had a duty to accurately and truthfully represent to the medical and healthcare community, Plaintiffs and the public that the PRODUCTS had been tested and found to be safe and effective for use in the perineal area. However, the representations made by Defendants, in fact, were false.

~~149.~~150. Defendants failed to exercise ordinary care in the representations concerning the PRODUCTS while they were involved in their manufacture, sale, testing, quality assurance, quality control, and distribution in interstate commerce, because Defendants negligently misrepresented the PRODUCTS' high risk of unreasonable, dangerous, adverse side effects.

~~150.~~151. Defendants breached their duty in representing that the PRODUCTS were safe for use in the perineal areas of women.

~~151.~~152. At all relevant times, upon information and belief, the misrepresentations, omissions and concealments concerning the PRODUCTS made by the Defendants include, but are not limited to the following:

a. ~~The Johnson & Johnson~~ Defendants labeled and advertised the PRODUCTS in the following ways, among others: "For you, use every day to help feel soft, fresh, and comfortable;" "A sprinkle a day keeps the odor away;" "Your body perspires in more places than just under your arms;" "Use SHOWER to SHOWER to feel dry, fresh, and comfortable throughout the day; and "SHOWER to SHOWER can be used all over your body."

b. ~~The Johnson & Johnson~~ Defendants advertised the product SHOWER to SHOWER to be applied "all over," and in particular, urged women to use it to "Soothe Your Skin: Sprinkle on problem areas to soothe skin that has been irritated from friction. Apply after a bikini wax to help reduce irritation and discomfort."

c. Defendants, through the advertisements described above, among others, misrepresented to consumers, including the Plaintiffs, that the PRODUCTS were safe for use all over the body, including the female perineal area.

d. Despite actual knowledge of the health risks of the PRODUCTS, the Defendants failed to disclose to the consumers and the Plaintiffs, through adequate warnings, representations, labeling, or otherwise, that the PRODUCTS were inherently dangerous and carcinogenic in nature, which poses serious health risks to consumers.

e. Despite actual knowledge that the use of the PRODUCTS in the perineal area created a significantly increased risk of ovarian cancer, the Defendants failed to disclose to consumers and the Plaintiff, through adequate warnings, representations, labeling, or otherwise, that material fact.

f. Despite knowing about the carcinogenic nature of talc and its likelihood to increase the risk of ovarian cancer in women, the Johnson & Johnson Defendants falsely marketed, advertised, labeled and sold the PRODUCTS as safe for public consumption and usage, including for use by women to powder their perineal areas.

~~152.~~153. At all relevant times, Defendants failed to exercise reasonable care in ascertaining or sharing information regarding the safe use of PRODUCTS, failed to disclose facts indicating that the PRODUCTS were inherently dangerous and carcinogenic in nature, and otherwise failed to exercise reasonable care in communicating the information concerning the PRODUCTS to Plaintiff and/or concealed relevant facts that were known to them.

~~153.~~154. At all relevant times, Plaintiffs were not aware of the falsity of the foregoing misrepresentations, nor was she aware that material facts concerning talc and the PRODUCTS had been concealed or omitted. In reasonable reliance upon the ~~Johnson & Johnson~~ Defendants' misrepresentations and/or omissions, Plaintiffs were induced to and did purchase the PRODUCTS and did use the PRODUCTS on her perineal area. If the Defendants

had disclosed true and accurate material facts concerning the risks of the use of the PRODUCTS, in particular the risk of developing ovarian cancer from using the PRODUCTS in the female perineal area, Plaintiff~~s~~ would not have purchased and/or received the PRODUCTS and/or used the PRODUCTS in that manner.

~~154.~~155. Plaintiff~~s~~s' reliance upon the Defendants' misrepresentations and omissions was justified and reasonable because, among other reasons, those misrepresentations and omissions were made by individuals and entities who were in a position to know the material facts concerning the PRODUCTS and the association between the PRODUCTS and the incidence of ovarian cancer, while Plaintiff was not in a position to know these material facts, and because the Johnson & Johnson Defendants failed to warn or otherwise provide notice to the consuming public as to the risks of the PRODUCTS, thereby inducing Plaintiff to use the PRODUCTS in lieu of safer alternatives and in ways that created unreasonably dangerous risks to her health. At all relevant times, the Defendants' corporate officers, directors, and/or managing agents knew of and ratified the acts of the Johnson & Johnson Defendants, as alleged herein.

~~155.~~156. As a direct and proximate result of Defendants' conduct, Plaintiff~~s~~ ~~have~~ has been injured and sustained severe and permanent pain, suffering, disability, impairment, loss of enjoyment of life, loss of care and comfort, and economic damages.

WHEREFORE, Plaintiffs demand judgment against all Defendants for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT XV~~II~~ – PUNITIVE DAMAGES

(Against All Defendants)

~~156.~~157. Plaintiffs hereby incorporate by reference all other paragraphs in this Complaint as if set forth fully herein.

~~157.~~158. The Defendants engaged in oppressive, fraudulent, malicious and egregious conduct with intent and/or with reckless indifference for the rights of others in the following ways, in addition to the acts and/or omissions described throughout this Complaint:

a. Defendants knew of the unreasonably high risk of ovarian cancer posed by the PRODUCTS before manufacturing, marketing, distributing and/or selling the PRODUCTS, yet purposefully proceeded with such action;

b. Despite their knowledge of the high risk of ovarian cancer associated with the PRODUCTS, Defendants affirmatively minimized this risk through marketing and promotional efforts and product labeling;

c. Through the actions outlined above, Defendants expressed a reckless indifference to the safety of users of the PRODUCTS, including Plaintiffs. Defendants knew of the dangers and risks of the PRODUCTS, yet they concealed and/or omitted this information from labels and warnings contained on the PRODUCTS in furtherance of their conspiracy and concerted action. These actions were outrageous because of Defendants' evil motive or a reckless indifference to the safety of users of the PRODUCTS.

~~158.~~159. As a direct and proximate result of the Defendants' acts of oppression, fraud and/or malice described throughout this Complaint, Plaintiffs have sustained damages as set forth above.

WHEREFORE, Plaintiffs demand judgment against all Defendants for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT ~~XIII~~ XVII – LOSS OF CONSORTIUM

(Against All Defendants)

~~159.~~160. Plaintiffs hereby incorporate by reference all other paragraphs in this Complaint as if set forth fully herein.

~~160.~~161. Plaintiffs and Decedents' spouses were entitled to the comfort, care, affection, companionship, services, society, advice, guidance, counsel, and consortium of their spouses.

~~161.~~162. As a direct and proximate result of one or more of those wrongful acts or omissions of the Defendants described herein, Plaintiffs and Decedents' spouses have been and will be deprived of the comfort, care, affection, companionship, services, society, advice, guidance, counsel, and consortium.

WHEREFORE, Plaintiffs demand judgment against all Defendants for compensatory and punitive damages, together with interest, costs of suit, attorneys' fees, and all such other relief as this Court deems proper.

COUNT XVIII~~IV~~ – WRONGFUL DEATH

(Against All Defendants)

~~162.~~163. Plaintiffs hereby incorporate by reference all other paragraphs in this Complaint as if set forth fully herein.

~~163.~~164. As a direct and proximate result of the acts and/or omissions of Defendants as set forth herein, the Decedents named in this action used the PRODUCTS in their perineal areas. Subsequent to such use, Decedents developed ovarian cancer, suffered substantial pain and suffering, both physical and emotional in nature, and subsequently died.

~~164.~~165. Plaintiffs, on behalf of themselves and all of the next of kin or successors-in-interest of Decedents, are entitled to recover damages as Decedents would have if they were living, as a result of acts and/or omissions of Defendants.

~~165.~~166. Plaintiffs, on behalf of themselves and all of Decedents' next of kin or successors-in-interest are also entitled to recover punitive damages and damages for substantial pain and suffering caused to Decedents from the acts and/or omissions of Defendants as fully set forth herein, including without limitations, punitive damages.

~~166.~~167. As a direct and proximate result of Defendants' conduct, Plaintiffs and Decedents have been injured and sustained severe and permanent pain, suffering, disability, impairment, loss of enjoyment of life, loss of care and comfort, and economic damages.

WHEREFORE, Plaintiffs demand judgment against all Defendants for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

COUNT XIX~~V~~ – SURVIVAL ACTION

(Against All Defendants)

~~167.~~168. Plaintiffs hereby incorporate by reference all other paragraphs in this Complaint as if set forth fully herein.

~~168.~~169. As a direct and proximate result of the acts and/or omissions of Defendants as set forth herein, the Decedents named in this action used the PRODUCTS in their perineal areas. Subsequent to such use, Decedents developed ovarian cancer, suffered substantial pain and suffering, both physical and emotional in nature, and subsequently died.

~~169.~~170. Plaintiffs, on behalf of themselves and all of the next of kin or successors-in-interest of Decedents, are entitled to recover damages as Decedents would have if they were living, as a result of acts and/or omissions of Defendants.

~~170.~~171. Plaintiffs, on behalf of themselves and all of Decedents' next of kin or successors-in-interest are also entitled to recover punitive damages and damages for substantial

pain and suffering caused to Decedents from the acts and/or omissions of Defendants as fully set forth herein, including without limitations, punitive damages.

~~171.~~172. As a direct and proximate result of Defendants' conduct, Plaintiffs and Decedents have been injured and sustained severe and permanent pain, suffering, disability, impairment, loss of enjoyment of life, loss of care and comfort, and economic damages.

WHEREFORE, Plaintiffs demand judgment against all Defendants for compensatory and punitive damages in excess of the jurisdictional minimum of this Court, together with interest, costs of suit, attorneys' fees, and all such other relief, as this Court deems proper.

TOLLING STATUTE OF LIMITATIONS

~~172.~~173. Plaintiffs hereby incorporate by reference all other paragraphs in this Complaint as if set forth fully herein.

~~173.~~174. Plaintiffs have suffered an illness that has a latency period and does not arise until many years after exposure. Plaintiffs' illnesses did not distinctly manifest themselves until they were made aware that their ovarian cancer could be caused by their use of the Defendants' products. Consequently, the discovery rule applies to these cases, and the statute of limitations has been tolled until the day that Plaintiffs knew or had reason to know that their (or decedents') ovarian cancer was linked to their (or decedents') use of the Defendants' products.

~~174.~~175. Furthermore, the running of any statute of limitations has been equitably tolled by reason of Defendants' fraudulent concealment and conduct. Through their affirmative misrepresentations and omissions, Defendants actively concealed from Plaintiffs, decedents, and consumers the true risks associated with PRODUCTS.

~~175.~~176. As a result of Defendants' actions, Plaintiffs, decedents, and consumers were unaware, and could not reasonably know or have learned through reasonable diligence, that

Plaintiffs and decedents had been exposed to the risks alleged herein and that those risks were the direct and proximate result of Defendants' acts and omissions.

~~176.~~177. Furthermore, Defendants are estopped from relying on any statute of limitations because of their concealment of the truth regarding the safety of PRODUCTS. Defendants were under a duty to disclose the true character, quality and nature of PRODUCTS because this was non-public information over which they continue to have exclusive control. Defendants knew that this information was not available to Plaintiffs, their medical providers and/or their health facilities, yet they failed to disclose the information to the public.

~~177.~~178. Defendants had the ability to and did spend enormous amounts of money in furtherance of their purposes of marketing and promoting a profitable product, notwithstanding the known or reasonably knowable risks. Plaintiffs, decedents, consumers, and medical professionals could not have afforded to and could not have possibly conducted studies to determine the nature, extent and identity of related health risks, and they were forced to rely on Defendants' representations.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against all Defendants as follows, individually and under survival claims:

(1) Judgment for Plaintiffs and against Defendants;

(2) For medical and related expenses, according to proof;

(3) For loss of earnings and/or earning capacity, according to proof;

(4) For exemplary or punitive damages, according to proof;

(5) For mental and physical suffering, according to proof;

(6) For Plaintiffs' cost of suit herein;

(7) For disgorgement of profits, according to proof;

(8) Default judgment as a sanction for the bad faith destruction of evidence, if any, and according to proof, if any;

(9) For such other and further relief as this court may deem just and proper, including prejudgment interest.

JURY TRIAL DEMAND

Plaintiffs demand a trial by jury on all of the triable issues within this Complaint.

Dated: _____, 2017

Respectfully Submitted,

JACOBS & CRUMPLAR, P.A.

/s/ Raeann Warner
Raeann Warner (Bar Id. 4913)
2 East 7th Street
P.O. Box 1271
Wilmington, DE 19899
(302) 656-5445

THE MILLER FIRM, LLC

Michael J. Miller, *Pro Hac Vice to be filed*
David J. Dickens, *Pro Hac Vice to be filed*
108 Railroad Avenue
Orange, VA 22960
Tel: (540) 672-4224

Counsel for Plaintiffs