UNITED STATES DISTRICT COURT
DISTRCIT OF NEW JERSEY

IN RE: PROTON-PUMP INHIBITOR PRODUCTS LIABILITY LITIGATION (NO. II)

PAUL SNYDER,

Plaintiff,

v.

NOVARTIS CORPORATION, NOVARTIS PHARMACEUTICALS CORPORATION; NOVARTIS VACCINES AND DIAGNOSTICS, INC.; NOVARTIS INSTITUTES FOR BIOMEDICAL RESEARCH, INC; NOVARTIS CONSUMER HEALTH, INC.;

GLAXOSMITHKLINE CONSUMER HEALTHCARE HOLDINGS (US) LLC; GLAXOSMITHKLINE CONSUMER HEALTHCARE, L.P.;

TAKEDA PHARMACEUTICALS USA INC.; TAKEDA PHARMACEUTICAL COMPANY LIMITED; TAKEDA PHARMACEUTICALS LLC; TAKEDA PHARMACEUTICALS INTERNATIONAL, INC.; TAKEDA GLOBAL RESEARCH & DEVELOPMENT CENTER, INC.; TAKEDA CALIFORNIA, INC.;

PROCTOR & GAMBLE MANUFACTURING COMPANY; THE PROCTER & GAMBLE COMPANY;

and

ASTRAZENECA PHARMACEUTICALS LP; and ASTRAZENECA LP,

Defendants.

17-md-2789 (CCC)(MF)

(MDL 2789)

COMPLAINT AND DEMAND FOR JURY TRIAL

CIVIL ACTION NO.:_____

Plaintiff, by Plaintiff's attorneys, **Bernstein Liebhard LLP**, upon information and belief, at all times hereinafter mentioned, allege as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332, because the amount in controversy as to the Plaintiff exceeds $75,000.00, exclusive of interest and costs, and because Defendants are incorporated and have their principal places of business in states other than the state in which the named Plaintiff resides.

2. The Court also has supplemental jurisdiction pursuant to 28 U.S.C. § 1367.

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 in that Defendants conduct business here and are subject to personal jurisdiction in this District. Furthermore, Defendants sell, market, and/or distribute Prevacid 24HR and Prilosec OTC within Pennsylvania and this District. [1]

NATURE OF THE CASE

4. This action is brought on behalf of Plaintiff, Paul Snyder, who used brand Prevacid 24HR and Prilosec OTC for treatment of Plaintiff's peptic disorder.

5. Plaintiff seeks compensatory damages as a result of Plaintiff's use of Prevacid 24HR and Prilosec OTC, which has caused Plaintiff to suffer and continue to suffer from Acute Renal Failure and End Stage Renal Disease as well as other severe and personal injuries which are permanent and lasting in nature, physical pain and mental anguish, including diminished

[1] Pursuant to the August 2, 2017 JPML Transfer Order, all cases in this litigation would be transferred to the District of New Jersey and assigned to the Honorable Claire C. Cecchi for coordinated or consolidated pretrial proceedings.

enjoyment of life, as well as the need for lifelong medical treatment, monitoring and/or medications, and fear of developing any of additional health consequences.

6. Defendants, Novartis Corporation, Novartis Pharmaceuticals Corporation, Novartis Vaccines and Diagnostics, Inc., Novartis Institutes for Biomedical Research, Inc, Novartis Consumer Health, Inc., GlaxoSmithKline Consumer Healthcare Holdings (US) LLC, GlaxoSmithKline Consumer Healthcare L.P., Takeda Pharmaceuticals USA Inc., Takeda Pharmaceuticals Company Limited, Takeda Pharmaceuticals LLC, Takeda Pharmaceuticals International, Inc.; Takeda Global Research & Development Center, Inc., Takeda California, Inc. Procter & Gamble Manufacturing Company, The Procter & Gamble Company, AstraZeneca Pharmaceuticals LP and AstraZeneca LP (hereinafter collectively referred to as "Defendants") designed, researched, manufactured, tested, advertised, promoted, marketed, sold, and distributed Prevacid 24HR and Prilosec OTC.

7. When warning of safety and risks of Prevacid 24HR and Prilosec OTC, Defendants negligently represented to the medical and healthcare community, the Food and Drug Administration (hereinafter referred to as the "FDA"), the Plaintiff's treating physicians, and the public in general, that Prevacid 24HR and Prilosec OTC had been tested and were found to be safe and/or effective for their indicated use in treating peptic disorders.

8. Defendants concealed their knowledge of Prevacid 24HR and Prilosec OTC's defects, specifically the fact that it causes serious kidney injuries, from Plaintiff's treating physicians, hospitals, pharmacies, the FDA, the public in general and/or the medical community.

9. These representations were made by Defendants with the intent of defrauding and deceiving the Plaintiff's physicians, the public in general, and the medical and healthcare community in particular, and were made with the intent of inducing the public in general, and the

medical community in particular, to recommend, dispense and/or purchase Prevacid 24HR and Prilosec OTC for the treatment of peptic disorders which include gastroesophageal reflux disease (GERD), peptic ulcer disease, and nonsteroidal anti-inflammatory drug induced gastropathy, all of which evinced a callous, reckless, willful, depraved indifference to health, safety and welfare of the Plaintiff herein.

10. As a result of the foregoing acts and omissions, the Plaintiff was and still is caused to suffer serious and dangerous side effects including inter alia Acute Renal Failure and End Stage Renal Disease, as well as other severe and personal injuries which are permanent and lasting in nature, physical pain and mental anguish, including diminished enjoyment of life, as well as the need for lifelong medical treatment, monitoring and/or medications, and fear of developing any additional health consequences.

11. Consequently, Plaintiff seeks compensatory damages as a result of Plaintiff's use of Prevacid 24HR and Prilosec OTC, which has caused Plaintiff to suffer from Acute Renal Failure and End Stage Renal Disease, as well as other severe and personal injuries which are permanent and lasting in nature, physical pain and mental anguish, including diminished enjoyment of life, as well as the need for lifelong medical treatment, monitoring and/or medications, and fear of developing any of the above named health consequences.

PARTIES

12. Plaintiff, Paul Snyder is a citizen of the United States of America, and is a resident of Pennsylvania.

13. Plaintiff, Paul Snyder was born on January 12, 1992.

14. Plaintiff, Paul Snyder first began using brand Prevacid 24HR and Prilosec OTC in or about early 2010 and Plaintiff used brand Prevacid 24HR and Prilosec OTC up through 2015.

15. As result of Plaintiff's ingestion of Defendants' Prevacid 24HR and Prilosec OTC, Plaintiff Paul Snyder has suffered and continues to suffer from Acute Renal Failure and End Stage Renal Disease which was diagnosed on or about September 27, 2015, as well as any and all of its sequelae and attendant pain, suffering, and emotional distress.

16. The injuries and damages sustained by Plaintiff, Paul Snyder, were caused by Defendants' Prevacid 24HR and Prilosec OTC and their unlawful conduct with respect to its design, manufacture, marketing and sale.

17. Upon information and belief, Defendant Novartis Corporation is a Swiss corporation having a principal place of business at Lichstrasse 35, CH-4056 Basel, Switzerland and is the parent/holding company of Defendants Novartis Pharmaceuticals Corporation, Novartis Vaccines and Diagnostics, Inc., Novartis Institutes for Biomedical Research, Inc., and Novartis Consumer Health, Inc.

18. Upon information and belief, and at all relevant times, Defendant Novartis Corporation exercised and exercises dominion and control over Defendants Novartis Pharmaceuticals Corporation, Novartis Vaccines and Diagnostics, Inc., Novartis Institutes for Biomedical Research, Inc., and Novartis Consumer Health, Inc.

19. Upon information and belief, Defendant, Novartis Corporation, has transacted and conducted business in the State of New Jersey and Pennsylvania.

20. Upon information and belief, Defendant, Novartis Corporation, has derived substantial revenue from goods and products used in the State of New Jersey and Pennsylvania.

21. Upon information and belief, Defendant, Novartis Corporation, expected or should have expected its acts to have consequence within the United States of America, and the State of New Jersey and PENNSYLVANIA, and derived substantial revenue from interstate

commerce within the United States of America and the State of New Jersey and Pennsylvania.

22. Upon information and belief, and at all relevant times, Defendant, Novartis Corporation, was in the business of and did design, research, manufacture, test, advertise, promote, market, sell, and distribute the drug Prevacid 24HR for use which primary purpose is being a proton pump inhibitor.

23. Upon information and belief, Defendant Novartis Pharmaceuticals Corporation is and at all times relevant to this action was a Delaware corporation, having a principal place of business at 200 Kimball Drive, Parsippany, New Jersey 07054. As part of its business, Novartis Pharmaceuticals Corporation is involved in the research, development, sales and marketing of pharmaceutical products including Prevacid 24HR.

24. Defendant Novartis Pharmaceuticals Corporation is the holder of approved New Drug Application ("NDA") 022327 for Prevacid 24HR (lansoprazole), and it manufactures and markets Prevacid 24HR (lansoprazole) in the United States.

25. Upon information and belief, Defendant, Novartis Pharmaceuticals Corporation., has transacted and conducted business in the States of Delaware, New Jersey and Pennsylvania.

26. Upon information and belief, Defendant, Novartis Pharmaceuticals Corporation., has derived substantial revenue from goods and products used in the States of Delaware, New Jersey and Pennsylvania.

27. Upon information and belief, Defendant, Novartis Pharmaceuticals Corporation., expected or should have expected its acts to have consequence within the States of Delaware, New Jersey and Pennsylvania and derived substantial revenue from interstate commerce within the United States, and the States of Delaware, New Jersey and Pennsylvania.

28. Upon information and belief, and at all relevant times, Defendant, Novartis

Pharmaceuticals Corporation., was in the business of and did design, research, manufacture, test, advertise, promote, market, sell, and distribute the drug Prevacid 24HR for use which primary purpose being a proton pump inhibitor.

29. Upon information and belief, Defendant Novartis Vaccines and Diagnostics, Inc. is a Delaware limited liability company, having a principal place of business at 200 Kimball Drive, Parsippany, New Jersey 07054.

30. Upon information and belief, Defendant Novartis Vaccines and Diagnostics, Inc., has transacted and conducted business in the States of Delaware, New Jersey and Pennsylvania.

31. Upon information and belief, Defendant Novartis Vaccines and Diagnostics, Inc., has derived substantial revenue from goods and products used in the States of Delaware, New Jersey and Pennsylvania.

32. Upon information and belief, Defendant Novartis Vaccines and Diagnostics, Inc., expected or should have expected its acts to have consequence within the States of Delaware, New Jersey and Pennsylvania and derived substantial revenue from interstate commerce within the United States and the States of Delaware, New Jersey and Pennsylvania.

33. Upon information and belief, and at all relevant times, Defendant Novartis Vaccines and Diagnostics, Inc., was in the business of and did design, research, manufacture, test, advertise, promote, market, sell, and distribute the drug Prevacid 24HR for use which primary purpose is being a proton pump inhibitor.

34. Upon information and belief, Defendant Novartis Institutes for Biomedical Research, Inc. is a Delaware corporation, having a principal place of business at 200 Kimball Drive, Parsippany, New Jersey 07054. As part of its business Novartis Institutes for Biomedical Research, Inc. is involved in the research, development, sales and marketing of pharmaceutical

products including Prevacid 24HR.

35. Upon information and belief, Defendant, Novartis Institutes for Biomedical Research, Inc., has transacted and conducted business in the States of Delaware, New Jersey and Pennsylvania.

36. Upon information and belief, Defendant, Novartis Institutes for Biomedical Research, Inc., has derived substantial revenue from goods and products used in the States of Delaware, New Jersey and Pennsylvania.

37. Upon information and belief, Defendant, Novartis Institutes for Biomedical Research, Inc., expected or should have expected its acts to have consequence within the States of Delaware, New Jersey, Pennsylvania and derived substantial revenue from interstate commerce within the United States, the States of Delaware, New Jersey and Pennsylvania.

38. Upon information and belief, and at all relevant times, Defendant, Institutes for Biomedical Research, Inc., was in the business of and did design, research, manufacture, test, advertise, promote, market, sell, and distribute the drug Prevacid 24HR for use which primary purpose is being a proton pump inhibitor.

39. Upon information and belief, Defendant Novartis Consumer Health, Inc. is a Delaware limited liability company, having a principal place of business at 200 Kimball Drive, Parsippany, New Jersey 07054.

40. Upon information and belief, Defendant, Novartis Consumer Health, Inc., has transacted and conducted business in the States of Delaware, New Jersey and Pennsylvania.

41. Upon information and belief, Defendant, Novartis Consumer Health, Inc., has derived substantial revenue from goods and products used in the States of Delaware, New Jersey and Pennsylvania.

42. Upon information and belief, Defendant, Novartis Consumer Health, Inc., expected or should have expected its acts to have consequence within the States of Delaware, New Jersey and Pennsylvania, and derived substantial revenue from interstate commerce within the United States, and the States of Delaware, New Jersey, and Pennsylvania,

43. Upon information and belief, and at all relevant times, Defendant, Novartis Consumer Health, Inc., was in the business of and did design, research, manufacture, test, advertise, promote, market, sell, and distribute the drug Prevacid 24HR for use which primary purpose is being a proton pump inhibitor.

44. Upon information and belief, each Novartis Defendant was the agent and employee of each other Novartis Defendant, and in doing the things alleged was acting within the course and scope of such agency and employment and with each other Novartis Defendant's actual and implied permission, consent, authorization, and approval.

45. Defendant GlaxoSmithKline Consumer Healthcare Holdings (US) LLC is and at all times relevant to this action was a Delaware corporation that is registered to do business and conducts substantial business in this state, with its registered agent identified as the Corporation Service Company, 2711 Centerville Rd Suite 400, Wilmington, DE 19808.

46. Upon information and belief, Defendant, GlaxoSmithKline Consumer Healthcare Holdings (US) LLC has transacted and conducted business in the States of Delaware, New Jersey and Pennsylvania.

47. Upon information and belief, Defendant GlaxoSmithKline Consumer Healthcare Holdings (US) LLC, has derived substantial revenue from goods and products used in the States of Delaware, New Jersey and Pennsylvania.

48. Upon information and belief, Defendant GlaxoSmithKline Consumer Healthcare

Holdings (US) LLC, expected or should have expected its acts to have consequence within the States of Delaware, New Jersey and Pennsylvania, and derived substantial revenue from interstate commerce within the United States, and the States of Delaware, New Jersey and Pennsylvania.

49. At all times relevant hereto, Defendant GlaxoSmithKline Consumer Healthcare Holdings (US) LLC was engaged in the business of designing, developing, manufacturing, testing, packaging, promoting, marketing, distributing, labeling and or selling Prevacid 24HR for use which primary purpose being a proton pump inhibitor.

50. Defendant GlaxoSmithKline Consumer Healthcare (US) IP LLC, is and at all times relevant to this action was, an Delaware corporation that is registered to do business and conducts substantial business in this state and New Jersey, which its registered agent identified as the Corporation Service Company, 2711 Centerville Rd Suite 400, Wilmington, DE 198082.

51. Upon information and belief, Defendant GlaxoSmithKline Consumer Healthcare (US) IP LLC is the holder of approved New Drug Application ("NDA") 022327 for Prevacid 24HR (lansoprazole), and it manufactures and markets Prevacid 24HR (lansoprazole) in the United States.

52. Upon information and belief, Defendant, GlaxoSmithKline Consumer Healthcare (US) IP LLC has transacted and conducted business in the States of Delaware, New Jersey, and Pennsylvania.

53. Upon information and belief, Defendant, GlaxoSmithKline Consumer Healthcare (US) IP LLC, has derived substantial revenue from goods and products used in the States of Delaware, New Jersey and Pennsylvania

54. Upon information and belief, Defendant, GlaxoSmithKline Consumer Healthcare

(US) IP LLC, expected or should have expected its acts to have consequence within the States of Delaware, New Jersey and Pennsylvania, and derived substantial revenue from interstate commerce within the United States, and the States of Delaware, New Jersey and Pennsylvania.

55. At all times relevant hereto, Defendant GlaxoSmithKline Consumer Healthcare (US) IP LLC was engaged in the business of designing, developing, manufacturing, testing, packaging, promoting, marketing, distributing, labeling and or selling Prevacid 24HR for use which primary purpose being a proton pump inhibitor.

56. In doing the acts alleged herein, said GlaxoSmithKline Defendants (including GlaxoSmithKline Consumer Healthcare (US) IP LLC; GlaxoSmithKline Consumer Healthcare Holdings (US) LLC; and GlaxoSmithKline Consumer Healthcare, L.P.) were acting in the course and scope of such agency, representation, joint venture, conspiracy, consultancy, predecessor agreement, successor agreement, service and employment, with knowledge, acquiescence, and ratification of each other (hereinafter GlaxoSmithKline Consumer Healthcare (US) IP LLC; GlaxoSmithKline Consumer Healthcare Holdings (US) LLC; and GlaxoSmithKline Consumer Healthcare, L.P. are collectively referred to as "GlaxoSmithKline").

57. Defendant Takeda Pharmaceuticals USA, Inc., is, is and at all times relevant to this action was, is a Delaware corporation that is registered to do business and conducts substantial business in this state and New Jersey, which has a principal place of business at One Takeda Parkway, Deerfield, Illinois 60015.

58. Defendant Takeda Pharmaceuticals USA, Inc. is the holder of approved New Drug Applications ("NDAs") 020406, 021428 and 021281 for Prevacid (lansoprazole), and it manufactures and markets Prevacid (lansoprazole) in the United States.

59. Upon information and belief, Defendant, Takeda Pharmaceuticals USA, Inc., has transacted and conducted business in the States of Delaware, Illinois, New Jersey and Pennsylvania.

60. Upon information and belief, Defendant, Takeda Pharmaceuticals USA, Inc., has derived substantial revenue from goods and products used in the States of Delaware, Illinois, New Jersey and Pennsylvania

61. Upon information and belief, Defendant, Takeda Pharmaceuticals USA, Inc., expected or should have expected its acts to have consequence within the States of Delaware, Illinois, New Jersey and Pennsylvania, and derived substantial revenue from interstate commerce within the United States, and the States of Delaware, Illinois, New Jersey and Pennsylvania.

62. At all times relevant hereto, Takeda Pharmaceuticals USA, Inc., was engaged in the business of designing, developing, manufacturing, testing, packaging, promoting, marketing, distributing, labeling and or selling Prevacid 24HR for use which primary purpose being a proton pump inhibitor.

63. Defendant Takeda Pharmaceuticals Company Limited, is and at all times relevant to this action was a Japanese corporation having a principal place of business at 1-1, Doshomachi 4-chome, Chuoku, Osaka, Japan and is the parent/holding company of Defendants Takeda Pharmaceuticals International Inc., Takeda Pharmaceuticals USA, Inc., Takeda Pharmaceuticals LLC, Takeda Global Research & Development Center, Inc., and Takeda California Inc.

64. Upon information and belief, and at all relevant times, Defendant Takeda Pharmaceutical Company Limited exercised and exercises dominion and control over Defendants Takeda Pharmaceuticals International Inc., Takeda Pharmaceuticals USA, Inc.,

Takeda Pharmaceuticals LLC, Takeda Global Research & Development Center, Inc., and Takeda California Inc.

65. Upon information and belief, Defendant, Takeda Pharmaceuticals Company Limited, has transacted and conducted business in the State of New Jersey and Pennsylvania.

66. Upon information and belief, Defendant, Takeda Pharmaceuticals Company Limited has derived substantial revenue from goods and products used in the State of New Jersey and Pennsylvania

67. Upon information and belief, Defendant, Takeda Pharmaceuticals Company Limited expected or should have expected its acts to have consequence within New Jersey and Pennsylvania, and derived substantial revenue from interstate commerce within the United States, and the States of New Jersey and Pennsylvania.

68. At all times relevant hereto, Takeda Pharmaceuticals Company Limited was engaged in the business of designing, developing, manufacturing, testing, packaging, promoting, marketing, distributing, labeling and or selling Prevacid 24HR for use which primary purpose being a proton pump inhibitor.

69. Defendant Takeda Pharmaceuticals, LLC, is a Delaware corporation that is registered to do business and conducts substantial business in this state and New Jersey, which has a principal place of business at One Takeda Parkway, Deerfield, Illinois 60015.

70. Upon information and belief, Defendant, Takeda Pharmaceuticals, LLC is wholly owned by Takeda Pharmaceuticals USA, Inc.

71. Upon information and belief, Defendant, Takeda Pharmaceuticals, LLC has transacted and conducted business in the States of Delaware, Illinois, New Jersey and Pennsylvania.

72. Upon information and belief, Defendant, Takeda Pharmaceuticals, LLC has derived substantial revenue from goods and products used in the States of Delaware, Illinois, New Jersey and Pennsylvania.

73. Upon information and belief, Defendant, Takeda Pharmaceuticals, LLC expected or should have expected its acts to have consequence within Illinois, New Jersey and PENNSYLVANIA, and derived substantial revenue from interstate commerce within the United States, and the States of Delaware, Illinois, New Jersey and Pennsylvania.

74. At all times relevant hereto, Takeda Pharmaceuticals, LLC was engaged in the business of designing, developing, manufacturing, testing, packaging, promoting, marketing, distributing, labeling and or selling Prevacid 24HR for use which primary purpose being a proton pump inhibitor.

75. Defendant Takeda Pharmaceuticals International, Inc., is a Delaware corporation, that is registered to do business and conducts substantial business in this state and New Jersey, which has a principal place of business at One Takeda Parkway, Deerfield, IL 60015.

76. Upon information and belief, Defendant, Takeda Pharmaceuticals International, Inc., has transacted and conducted business in the States of Delaware, Illinois, New Jersey and Pennsylvania.

77. Upon information and belief, Defendant, Takeda Pharmaceuticals International, Inc., has derived substantial revenue from goods and products used in the States of Delaware, Illinois, New Jersey and Pennsylvania.

78. Upon information and belief, Defendant, Takeda Pharmaceuticals International, Inc., expected or should have expected its acts to have consequence within the States of Delaware, Illinois, New Jersey and Pennsylvania and derived substantial revenue from interstate

commerce within the United States, and the States of Delaware, Illinois, New Jersey and Pennsylvania.

79. At all times relevant hereto, Takeda Pharmaceuticals International, Inc., was engaged in the business of designing, developing, manufacturing, testing, packaging, promoting, marketing, distributing, labeling and or selling Prevacid 24HR for use which primary purpose being a proton pump inhibitor.

80. Defendant Takeda Global Research & Development Center, Inc., is a Delaware corporation that is registered to do business and conducts substantial business in this state and New Jersey, which has a principal place of business at One Takeda Parkway, Deerfield, IL 60015.

81. Upon information and belief, Defendant, Takeda Global Research & Development Center, Inc., has transacted and conducted business in the States of Delaware, Illinois, State of New Jersey and Pennsylvania.

82. Upon information and belief, Defendant, Takeda Global Research & Development Center, Inc., has derived substantial revenue from goods and products used in the States of Delaware, Illinois, State of New Jersey and Pennsylvania.

83. Upon information and belief, Defendant, Takeda Global Research & Development Center, Inc., expected or should have expected its acts to have consequence within the States of Delaware, Illinois, New Jersey and Pennsylvania and derived substantial revenue from interstate commerce within the United States, and the States of Delaware, Illinois, New Jersey and Pennsylvania.

84. At all times relevant hereto, Takeda Global Research & Development Center, Inc., was engaged in the business of designing, developing, manufacturing, testing, packaging,

promoting, marketing, distributing, labeling and or selling Prevacid 24HR for use which primary purpose being a proton pump inhibitor.

85. Defendant Takeda California Inc., is a Delaware corporation that is registered to do business and conducts substantial business in this state and New Jersey, which has a principal place of business in California.

86. Upon information and belief, Defendant, Takeda California Inc., has transacted and conducted business in the States of California, New Jersey and Pennsylvania.

87. Upon information and belief, Defendant, Takeda California Inc., has derived substantial revenue from goods and products used in the States of California, New Jersey and Pennsylvania.

88. Upon information and belief, Defendant, Takeda California Inc., expected or should have expected its acts to have consequence within the States of California, New Jersey and Pennsylvania, and derived substantial revenue from interstate commerce within the United States, and the States of California, New Jersey and Pennsylvania.

89. At all times relevant hereto, Takeda California Inc., was engaged in the business of designing, developing, manufacturing, testing, packaging, promoting, marketing, distributing, labeling and or selling Prevacid 24HR for use which primary purpose being a proton pump inhibitor.

90. Upon information and belief, Defendant Procter & Gamble Manufacturing Company, is, and at all times relevant to this action was, an Ohio corporation that is registered to do business and conducts substantial business in this state and New Jersey, which has a principal place of business at 1 Procter & Gamble Plaza, Cincinnati, OH 45202.

91. Defendants Procter & Gamble Manufacturing Company along with, The Procter & Gamble Company are the holders of approved New Drug Application ("NDA") 021229 for Prilosec OTC (Omeprazole Magnesium), and it manufactures and markets Prilosec OTC (Omeprazole Magnesium) in the United States.

92. Upon information and belief, Defendant, Procter & Gamble Manufacturing Company has transacted and conducted business in the States of Ohio, New Jersey and Pennsylvania.

93. Upon information and belief, Defendant, Procter & Gamble Manufacturing Company, has derived substantial revenue from goods and products used in the States of Ohio, New Jersey and Pennsylvania.

94. Upon information and belief, Defendant, Procter & Gamble Manufacturing Company, expected or should have expected its acts to have consequence within the States of Ohio, New Jersey and Pennsylvania, and derived substantial revenue from interstate commerce within the United States, and the States of Ohio, New Jersey, and Pennsylvania.

95. At all times relevant hereto, Defendant Procter & Gamble Manufacturing Company was engaged in the business of designing, developing, manufacturing, testing, packaging, promoting, marketing, distributing, labeling and or selling Prilosec OTC for use which primary purpose being a proton pump inhibitor.

96. Upon information and belief, Defendant The Procter & Gamble Company is an Ohio corporation that is registered to do business and conducts substantial business in this state, which has its principal place of business at 1 Procter & Gamble Plaza, Cincinnati, OH 45202.

97. Upon information and belief, and at all relevant times, Defendant The Procter & Gamble Company is either the direct or indirect owner of substantially all the stock or ownership

interests of Defendant Procter & Gamble Manufacturing Company.

98. Defendants The Procter & Gamble Company along with Procter & Gamble Manufacturing Company, are the holders of approved New Drug Application ("NDA") 021229 for Prilosec OTC (Omeprazole Magnesium), and it manufactures and markets Prilosec OTC (Omeprazole Magnesium) in the United States.

99. Upon information and belief, Defendant, The Procter & Gamble Company has transacted and conducted business in the States of Ohio, New Jersey and Pennsylvania.

100. Upon information and belief, Defendant, The Procter & Gamble Company, has derived substantial revenue from goods and products used in the States of Ohio, New Jersey and Pennsylvania.

101. Upon information and belief, Defendant, The Procter & Gamble Company, expected or should have expected its acts to have consequence within the States of Ohio, New Jersey and Pennsylvania, and derived substantial revenue from interstate commerce within the United States, and the States of Ohio, New Jersey and Pennsylvania.

102. At all times relevant hereto, Defendant The Procter & Gamble Company was engaged in the business of designing, developing, manufacturing, testing, packaging, promoting, marketing, distributing, labeling and or selling Prilosec OTC for use which primary purpose being a proton pump inhibitor.

103. Upon information and belief, Defendant AstraZeneca Pharmaceuticals, LP, is, and at all times relevant to this action was, an Delaware corporation that is registered to do business and conducts substantial business in this state and New Jersey, which has a principal place of business in 1800 Concord Pike, Wilmington, DE 19897.

104. At all times relevant hereto, Defendant AstraZeneca Pharmaceuticals, LP was

engaged in the business of designing, developing, manufacturing, testing, and/or selling Prilosec (Omeprazole) products.

105. Upon information and belief, Defendant, AstraZeneca Pharmaceuticals, LP has transacted and conducted business in the States of Delaware, New Jersey and Pennsylvania.

106. Upon information and belief, Defendant, AstraZeneca Pharmaceuticals, LP, has derived substantial revenue from goods and products used in the States of Delaware, New Jersey and Pennsylvania.

107. Upon information and belief, Defendant, AstraZeneca Pharmaceuticals, LP, expected or should have expected its acts to have consequence within the states of Delaware, New Jersey and Pennsylvania, and derived substantial revenue from interstate commerce within the United States, and the States of Delaware and Pennsylvania.

108. At all times relevant hereto, Defendant AstraZeneca Pharmaceuticals, LP was engaged in the business of designing, developing, manufacturing, testing, packaging, promoting, marketing, distributing, labeling and or selling Prilosec OTC for use which primary purpose being a proton pump inhibitor.

109. Upon information and belief, Defendant AstraZeneca, LP, is, and at all times relevant to this action was, an Delaware corporation that is registered to do business and conducts substantial business in this state and New Jersey, which has a principal place of business in 1800 Concord Pike, Wilmington, DE 19897.

110. Upon information and belief, Defendant, AstraZeneca, LP has transacted and conducted business in the States of Delaware, New Jersey and Pennsylvania.

111. Upon information and belief, Defendant, AstraZeneca, LP, has derived substantial revenue from goods and products used in the States of Delaware, New Jersey and Pennsylvania.

112. Upon information and belief, Defendant, AstraZeneca, LP, expected or should have expected its acts to have consequence within the States of Delaware, New Jersey and Pennsylvania, and derived substantial revenue from interstate commerce within the United States, and the States of Delaware and Pennsylvania.

113. At all times relevant hereto, Defendant AstraZeneca, LP was engaged in the business of designing, developing, manufacturing, testing, packaging, promoting, marketing, distributing, labeling and or selling Prilosec OTC for use which primary purpose being a proton pump inhibitor.

114. Upon information and belief, each AstraZeneca Defendant was the agent and employee of each other AstraZeneca Defendant, and in doing the things alleged was acting within the course and scope of such agency and employment and with each other AstraZeneca Defendant's actual and implied permission, consent, authorization, and approval.

FACTUAL BACKGROUND

115. This action seeks, among other relief, general and special damages and equitable relief due to Plaintiff, Paul Snyder, suffering Acute Kidney Failure and End Stage Renal Disease caused by Plaintiff's ingestion of the proton pump inhibitor, Prevacid 24HR and Prilosec OTC.

Prevacid 24HR

116. Novartis Defendants and GlaxoSmithKline Defendants sold Prevacid 24HR with a National Drug Code (NDC) number 0067-6286.

117. Upon information and belief, the Takeda Defendants began marketing and selling the prescription brand Prevacid in 1998.

118. Upon information and belief, Novartis Corporation, Novartis Pharmaceuticals Corporation, Novartis Vaccines and Diagnostics, Inc., Novartis Institutes for Biomedical

Research, Inc, Novartis Consumer Health Inc. LP, GlaxoSmithKline Consumer Healthcare Holdings (US) LLC, and GlaxoSmithKline Consumer Healthcare, LP began marketing and selling brand Prevacid 24HR in 2009.

119. Prevacid 24HR (Lansoprazole), is a PPI that works by reducing hydrochloric acid in the stomach.

120. Plaintiff began taking brand Prevacid 24HR in or about January 2010.

121. At all relevant times, Defendants heavily marketed Prevacid 24HR to treat peptic disorders, including but not limited to gastroesophageal reflux disease (GERD), peptic ulcer disease, and nonsteroidal anti-inflammatory drug induced gastropathy.

122. Defendants' marketing of Prevacid 24HR included advertisements, press releases, web site publications, sales representative pitches and other communications.

123. Materials including advertisements, press releases, webs site publications and other communications regarding Prevacid 24HR are part of the labeling of the drug and could be altered by Defendants without prior FDA approval.

Prilosec OTC

124. Procter & Gamble Defendants sold Prilosec OTC with National Drug Code (NDC) numbers 37000-455 and 37000-459.

125. Upon information and belief, the AstraZeneca Defendants began marketing and selling prescription brand Prilosec in 1989.

126. Upon information and belief, the Procter & Gamble Defendants began marketing and selling brand Prilosec OTC in 2003.

127. Plaintiff began taking brand Prilosec OTC in or about January 2010.

128. At all relevant times, Defendants heavily marketed Prilosec OTC to treat frequent heartburn.

129. Defendants' marketing of Prilosec OTC included advertisements, press releases, web site publications, sales representative pitches and other communications.

130. Materials including advertisements, press releases, webs site publications and other communications regarding Prilosec OTC are part of the labeling of the drug and could be altered by Defendants without prior FDA approval.

All PPIs

131. Proton pump inhibitors ("PPIs"), including Defendants' Prevacid 24HR and Prilosec OTC, are one of the most commonly used medications in the United States.

132. More than 15 million Americans used prescription and over the counter PPIs in 2013, costing more than $10 billion.

133. However, it has been estimated that between 25% and 70% of these prescriptions and over the counter PPIs have no appropriate indication.

134. Up to 70% of PPIs may be used inappropriately for indications or durations that were never tested or approved.

135. Further, 25% of long-term PPI users could discontinue therapy without developing any symptoms.

136. Sales of over-the-counter ("OTC"), non-prescription versions of PPIs are estimated at $3 billion annually.

137. Prevacid 24HR and Prilosec OTC, are PPIs that work by reducing hydrochloric acid in the stomach.

138. Even if used as directed, Defendants failed to adequately warn against the negative

effects and risks associated with this product including, but not necessarily limited to, long term usage and the cumulative effects of long term usage.

139. During the period in which Prevacid 24HR and Prilosec OTC have been sold in the United States, hundreds of reports of injury have been submitted to the FDA in association with ingestion of Prevacid 24HR , Prilosec OTC and other PPIs. Defendants have had notice of serious adverse health outcomes through case reports, clinical studies and post-market surveillance. Specifically, Defendants had received numerous case reports of kidney injuries in patients that had ingested Prilosec OTC by as early as 2003, and Prevacid 24HR by as early as 2009. These reports of numerous kidney injuries put Defendants on notice as to the excessive risks of kidney injuries related to the use of Prevacid 24HR and Prilosec OTC. However, Defendants took no action to inform Plaintiff or Plaintiff's physicians of this known risk. Instead, Defendants continued to represent that Prevacid 24HR and Prilosec OTC did not pose any risks of kidney injuries.

140. Defendants have had notice of serious adverse health outcomes regarding kidney disease associated with their Prevacid 24HR and Prilosec OTC through case reports, clinical studies and post-market surveillance.

141. Specifically, Defendants had received numerous case reports of kidney injuries in patients that had ingested Prevacid 24HR as early as 2009 and Prilosec OTC as early as 2003. As such, these reports of numerous kidney injuries put Defendants on notice as to the excessive risks of kidney injuries related to the use of Prevacid 24HR and Prilosec OTC.

142. Since the introduction of PPIs to the US market in 1989, several observational studies have linked PPI use to serious adverse health outcomes, including hip fracture, community acquired pneumonia, Clostridium difficile infection, acute interstitial nephritis and acute kidney

injury ("AKI").

143. In October of 1992, researchers from the University of Arizona Health Sciences Center led by Stephen Ruffenach published the first article associating PPI usage with kidney injuries in the *American Journal of Medicine*, followed by years of reports from national adverse drug registries describing the association.

144. Several observational studies have linked PPI use, including Prevacid 24HR and Prilosec OTC use, to serious adverse health outcomes, including acute interstitial nephritis and acute kidney injury.

145. In 2006, researchers at the Yale School of Medicine conducted a case series published in the International Society of Nephrology's *Kidney International* finding that PPI use, by way of acute interstitial nephritis, left most patients "with some level of Chronic Kidney Disease."

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

147. At the time of the August 23, 2011 filing, the petition stated that there "was no detailed risk information on any PPI for this adverse effect."

148. On October, 31, 2014, more than three years after Public Citizen's petition, the FDA responded by requiring risk of acute interstitial nephritis on all prescription PPIs.

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

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

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

idiopathic hypersensitivity reaction. Discontinue [Brand] if acute interstitial nephritis develops.

151. A study from 2015 shows that acute kidney injuries increased 250% in elderly patients that were newly prescribed PPIs. The acute kidney injuries occurred with 120 days of the patients staring the PPIs.

152. From the findings identified above, PPIs and/or their metabolites – substances formed via metabolism – have been found to deposit within the spaces between the tubules of the kidney and act in such a way to mediate acute interstitial nephritis.

153. In February 2016, a study published in the *Journal of the American Society of Nephrology* found that PPI use including Prevacid 24HR and Prilosec OTC, was independently associated with a 20% to 50% higher risk of incident Chronic Kidney Disease, after adjusting for several potential confounding variables, including demographics, socioeconomic status, clinical measurements, prevalent comorbidities, and concomitant use of medications.

154. Chronic Kidney Disease ("CKD") describes the gradual loss of kidney function. Kidneys filter wastes and excess fluids from the blood, which are then excreted. When CKD reaches an advanced stage, dangerous levels of fluid, electrolytes and wastes can build up in the body. End state renal disease is the last stage of CKD.

155. In the early stages of CKD, patients may have few signs or symptoms, so CKD may not become apparent until kidney function is significantly impaired.

156. Treatment for CKD focuses on slowing the progression of the kidney damage, usually by attempting to control the underlying cause. CKD can progress to end-stage kidney failure, which is fatal without artificial filtering, dialysis or a kidney transplant. Early treatment is often key to avoiding the most negative outcomes.

157. CKD is associated with a substantially increased risk of death and cardiovascular

events.

158. CKD is identified by a blood test for creatinine, which is a breakdown product of muscle metabolism. Higher levels of creatinine indicate a lower glomerular filtration rate and as a result a decreased capability of the kidneys to excrete waste products.

159. In addition to the above studies, one study has linked the acute kidney injuries caused by PPIs, such as acute interstitial nephritis, to a later increased risk of CKD. The study noted that PPI induced acute kidney disease is often subtle and slowly diagnosed. Thus, the delay in diagnosis causes damage to the kidney to be increased and the patient has a higher risk of later developing CKD.

160. To date, Defendants' Prevacid 24HR and Prilosec OTC lack detailed risk information for CKD.

161. Defendants knew or should have known of the risk of kidney disease based on the data available to them or that could have been generated by them, including but not limited to animal studies, mechanisms of action, pharmacodynamics, pharmacokinetics, pre-clinical studies, clinical studies, animal models, genetic models, analogous compounds, analogous conditions, adverse event reports, case reports, post-marketing reports and regulatory authority investigations.

162. Despite their knowledge of the risks of kidney injuries associated with their proton pump inhibitor, Prevacid 24HR and Prilosec OTC, Defendants took no action to inform Plaintiff or Plaintiff's physicians of this known risk. Instead, Defendants continued to represent that Prevacid 24HR and Prilosec OTC did not pose any risks of kidney injuries. They promoted and marketed Prevacid 24HR and Prilosec OTC as safe and effective for persons such as Plaintiff, Paul Snyder, throughout the United States, including Pennsylvania.

163. Defendants knew of the significant risk of kidney damage that could result from long-term Prevacid 24HR and Prilosec OTC use, but Defendants did not adequately and sufficiently warn consumers, including Plaintiff's physician or the medical community in a timely manner.

164. Even if used as directed, Defendants failed to adequately warn against the negative effects and risks associated with this Prevacid 24HR and Prilosec OTC including, but not necessarily limited to, long term usage and the cumulative effects of long term usage.

165. In omitting, concealing, and inadequately providing critical safety information regarding the use of Prevacid 24HR and Prilosec OTC in order to induce their purchase and use, Defendants engaged in and continue to engage in conduct likely to mislead consumers including Plaintiff. This conduct is fraudulent, unfair, and unlawful.

166. Despite clear knowledge that Prevacid 24HR and Prilosec OTC causes a significantly increased risk of CKD and acute kidney injuries, Defendants continued to market and sell Prevacid 24HR and Prilosec OTC without warning consumers or healthcare providers of the significant risks of CKD and acute kidney injuries.

167. Even if used as directed, persons who ingested Prevacid 24HR and Prilosec OTC, such as the Plaintiff, Paul Snyder, have been exposed to significant risks stemming from unindicated and/or long term usage.

168. Consumers, including Plaintiff Paul Snyder and Plaintiff's physicians relied on the Defendants' false representations and were misled as to Prevacid 24HR and Prilosec OTC's safety.

169. Had the Plaintiff Paul Snyder known of the risks of kidney disease associated with Defendants' Prevacid 24HR and Prilosec OTC, Plaintiff would not have used Defendants'

Prevacid 24HR or Defendants' Prilosec OTC.

170. At all relevant times, Plaintiff Paul Snyder, had alternative safer methods for treating peptic disorders that provided the same benefits but acted through a different mechanism and were not associated with kidney disease.

171. One alternative was H2 antagonists, also called H2 blockers, a class of medications that block the action of histamine at the histamine H2 receptors of the parietal cells in the stomach. The use of H2 receptor antagonists, which are prescribed for the same indication as PPIs, is not associated with CKD.

172. Similar findings were demonstrated for the outcome of CKD and collectively suggest that PPI use is an independent risk factor for CKD, End Stage Renal Disease and Acute Renal Failure.

173. As a result of Defendants' action and inactions as outlined herein, Plaintiff was injured due to Plaintiff's ingestion of Prevacid 24HR and Prilosec OTC, which caused Plaintiff and continues to cause Plaintiff to suffer from Acute Renal Failure and End Stage Renal Disease and any and all of its sequelae.

174. Prior to January 2017, Plaintiff Paul Snyder did not know about the causal link between Plaintiff's Acute Renal Failure and End Stage Renal Disease and ingestion of Defendants' Prevacid 24HR and Prilosec OTC.

175. It was not until on or about January 2017, that Plaintiff Paul Snyder first learned of the possible causal link.

176. Prior to January 2017, Plaintiff did not have access to or actually receive any studies or information recognizing the increased risk of Acute Renal Failure and End Stage Renal Disease associated with Prevacid 24HR and Prilosec OTC use.

FIRST CAUSE OF ACTION
AS AGAINST THE DEFENDANTS
(NEGLIGENCE)

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

178. Defendants had a duty to exercise reasonable care in the designing, researching, manufacturing, marketing, supplying, promoting, packaging, sale and/or distribution of Prevacid 24HR and Prilosec OTC into the stream of commerce, including a duty to assure that the product would not cause users to suffer unreasonable, dangerous side effects.

179. Defendants failed to exercise ordinary care in the designing, researching, manufacturing, marketing, supplying, promoting, packaging, sale, testing, quality assurance, quality control, and/or distribution of Prevacid 24HR and Prilosec OTC into interstate commerce in that Defendants knew or should have known that using Prevacid 24HR and Prilosec OTC could proximately cause Plaintiff's injuries. Specifically, Defendants failed to meet their duty to use reasonable care in the testing, creating, designing, manufacturing, labeling, packaging, marketing, selling, and warning of Prevacid 24HR and Prilosec OTC. Defendants are liable for acts and/or omissions amounting to negligence, gross negligence and/or malice including, but not limited to the following:

(a) Failure to adequately warn Plaintiff and Plaintiff's physicians of the known or reasonably foreseeable danger that plaintiff would suffer a serious injury or death by ingesting Prevacid 24HR and Prilosec OTC;

(b) Failure to adequately warn Plaintiff and Plaintiff's physicians of the known or reasonably foreseeable danger that Plaintiff would suffer a serious injury or death by ingesting Prevacid 24HR and Prilosec OTC in unsafe doses;

(c) Failure to use reasonable care in testing and inspecting Prevacid 24HR and Prilosec OTC so as to ascertain whether or not it was safe for the purpose for which it was designed, manufactured and sold;

(d) Failure to use reasonable care in implementing and/or utilizing a reasonably safe design in the manufacture of Prevacid 24HR and Prilosec OTC;

(e) Failure to use reasonable care in the process of manufacturing Prevacid 24HR and Prilosec OTC in a reasonably safe condition for the use for which it was intended;

(f) Failure to use reasonable care in the manner and method of warning Plaintiff and Plaintiff's physicians as to the danger and risks of using Prevacid 24HR and Prilosec OTC in unsafe doses; and

(g) Such further acts and/or omissions that may be proven at trial.

180. The above-described acts and/or omissions of Defendants were a direct and proximate cause of the severe, permanent and disabling injuries and resulting damages to Plaintiff.

181. The negligence of the Defendants, their agents, servants, and/or employees, included but was not limited to the following acts and/or omissions:

(a) Manufacturing, producing, promoting, formulating, creating, and/or designing Prevacid 24HR and Prilosec OTC without thoroughly testing it;

(b) Manufacturing, producing, promoting, formulating, creating, and/or designing Prevacid 24HR and Prilosec OTC without adequately testing it;

(c) Not conducting sufficient testing programs to determine whether or not Prevacid 24HR and Prilosec OTC were safe for use; in that Defendants herein knew or should have known that Prevacid 24HR and Prilosec OTC were unsafe and unfit for use by reason of the dangers to its users;

(d) Selling Prevacid 24HR and Prilosec OTC without making proper and sufficient tests to determine the dangers to its users;

(e) Negligently failing to adequately and correctly warn the Plaintiff, the public, the medical and healthcare profession, and the FDA of the dangers of Prevacid 24HR and Prilosec OTC;

(f) Failing to provide adequate instructions regarding safety precautions to be observed by users, handlers, and persons who would reasonably and foreseeably come into contact with, and more particularly, use, Prevacid 24HR and Prilosec OTC;

(g) Failing to test Prevacid 24HR and Prilosec OTC and/or failing to adequately, sufficiently and properly test Prevacid 24HR and Prilosec OTC.

(h) Negligently advertising and recommending the use of Prevacid 24HR and Prilosec OTC without sufficient knowledge as to its dangerous propensities;

(i) Negligently representing that Prevacid 24HR and Prilosec OTC were safe for use for its intended purpose, when, in fact, it was unsafe;

(j) Negligently designing Prevacid 24HR and Prilosec OTC in a manner which was dangerous to its users;

(k) Negligently manufacturing Prevacid 24HR and Prilosec OTC in a manner which was dangerous to its users;

(l) Negligently producing Prevacid 24HR and Prilosec OTC in a manner which was dangerous to its users;

(m) Negligently assembling Prevacid 24HR and Prilosec OTC in a manner which was dangerous to its users;

(n) Concealing information from the Plaintiff in knowing that Prevacid 24HR and Prilosec OTC were unsafe, dangerous, and/or non-conforming with FDA regulations.

182. Defendants under-reported, underestimated and downplayed the serious dangers of Prevacid 24HR and Prilosec OTC.

183. Defendants negligently compared the safety risk and/or dangers of Prevacid 24HR and Prilosec OTC with other forms of treatment of peptic disorders which include gastroesophageal reflux disease (GERD), peptic ulcer disease, and nonsteroidal anti-inflammatory drug induced gastropathy.

184. Defendants were negligent in the designing, researching, supplying, manufacturing, promoting, packaging, distributing, testing, advertising, warning, marketing and sale of Prevacid 24HR and Prilosec OTC in that they:

(a) Failed to use due care in designing and manufacturing Prevacid 24HR and Prilosec OTC so as to avoid the aforementioned risks to individuals when Prevacid 24HR and Prilosec OTC were used for treatment of peptic disorders which include gastroesophageal reflux disease (GERD), peptic ulcer disease, and nonsteroidal anti-inflammatory drug induced gastropathy;

(b) Failed to accompany their product with proper and/or accurate warnings regarding all possible adverse side effects associated with the use of Prevacid 24HR and Prilosec OTC;

(c) Failed to accompany their product with proper warnings regarding all possible adverse side effects concerning the failure and/or malfunction of Prevacid 24HR and Prilosec OTC;

(d) Failed to accompany their product with accurate warnings regarding the risks of all possible adverse side effects concerning Prevacid 24HR and Prilosec OTC;

(e) Failed to warn Plaintiff of the severity and duration of such adverse effects, as the warnings given did not accurately reflect the symptoms, or severity of the side effects;

(f) Failed to conduct adequate testing, including pre-clinical and clinical testing and post-marketing surveillance to determine the safety of Prevacid 24HR and Prilosec OTC;

(g) Failed to warn Plaintiff, prior to actively encouraging the sale of Prevacid 24HR and Prilosec OTC, either directly or indirectly, orally or in writing, about the need for more comprehensive, more regular medical monitoring than usual to ensure early discovery of potentially serious side effects;

(h) Were otherwise careless and/or negligent.

185. Despite the fact that Defendants knew or should have known that Prevacid 24HR and Prilosec OTC caused unreasonably dangerous side effects, Defendants continued and continue to market, manufacture, distribute and/or sell Prevacid 24HR and Prilosec OTC to consumers, including the Plaintiff.

186. Defendants knew or should have known that consumers such as Plaintiff, Paul Snyder would foreseeably suffer injury as a result of Defendants' failure to exercise ordinary care, as set forth above.

187. Defendants' negligence was the proximate cause of Plaintiff's injuries, harm and economic loss which Plaintiff, Paul Snyder suffered and/or will continue to suffer.

188. As a result of the foregoing acts and omissions, the Plaintiff was caused to suffer serious and dangerous side effects including, Acute Kidney Failure and End Stage Renal Disease as well as other severe and personal injuries which are permanent and lasting in nature, physical pain and mental anguish, including diminished enjoyment of life, as well as the need for lifelong medical treatment, monitoring and/or medications.

189. As a result of the foregoing acts and omissions the Plaintiff requires and/or will require more health care and services and did incur medical, health, incidental and related expenses. Plaintiff is informed and believes and further alleges that Plaintiff will in the future be required to obtain further medical and/or hospital care, attention, and services.

190. By reason of the foregoing, Plaintiff has been damaged as against the Defendants in the sum of TEN MILLION DOLLARS ($10,000,000.00).

SECOND CAUSE OF ACTION
AS AGAINST THE DEFENDANTS
(STRICT PRODUCTS LIABILITY)

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

192. At all times herein mentioned, the Defendants designed, researched, manufactured, tested, advertised, promoted, marketed, sold, distributed, and/or have recently acquired the Defendants who have designed, researched, manufactured, tested, advertised, promoted, marketed, sold and distributed Prevacid 24HR and Prilosec OTC as hereinabove described that was used by the Plaintiff.

193. That Prevacid 24HR and Prilosec OTC were expected to and did reach the usual consumers, handlers, and persons coming into contact with said product without substantial change in the condition in which it was produced, manufactured, sold, distributed, and marketed by the Defendants.

194. At those times, Prevacid 24HR and Prilosec OTC were in an unsafe, defective, and inherently dangerous condition, which was dangerous to users, and in particular, the Plaintiff herein.

195. The Prevacid 24HR and Prilosec OTC designed, researched, manufactured, tested, advertised, promoted, marketed, sold and distributed by Defendants were defective in design or formulation in that, when it left the hands of the manufacturer and/or suppliers, the foreseeable risks exceeded the benefits associated with the design or formulation of Prevacid 24HR and Prilosec OTC.

196. The Prevacid 24HR and Prilosec OTC designed, researched, manufactured, tested, advertised, promoted, marketed, sold and distributed by Defendants were defective in design and/or formulation, in that, when it left the hands of the Defendants manufacturers and/or

suppliers, it was unreasonably dangerous, and it was more dangerous than an ordinary consumer would expect.

197. At all times herein mentioned, Prevacid 24HR and Prilosec OTC were in a defective condition and unsafe, and Defendants knew or had reason to know that said products were defective and unsafe, especially when used in the form and manner as provided by the Defendants.

198. Defendants knew, or should have known that at all times herein mentioned its Prevacid 24HR and Prilosec OTC were in a defective condition, and were and are inherently dangerous and unsafe.

199. At the time of the Plaintiff's use of Prevacid 24HR and Prilosec OTC, Prevacid 24HR and Prilosec OTC were being used for the purposes and in a manner normally intended for the treatment of peptic disorders which include gastroesophageal reflux disease (GERD), peptic ulcer disease, and nonsteroidal anti-inflammatory drug induced gastropathy.

200. Defendants with this knowledge voluntarily designed its Prevacid 24HR and Prilosec OTC in a dangerous condition for use by the public, and in particular the Plaintiff.

201. Defendants had a duty to create a product that was not unreasonably dangerous for its normal, intended use.

202. Defendants created a product unreasonably dangerous for its normal, intended use.

203. The Prevacid 24HR and Prilosec OTC designed, researched, manufactured, tested, advertised, promoted, marketed, sold and distributed by Defendants were manufactured defectively in that Prevacid 24HR and Prilosec OTC left the hands of Defendants in a defective condition and was unreasonably dangerous to its intended users.

204. The Prevacid 24HR and Prilosec OTC designed, researched, manufactured, tested, advertised, promoted, marketed, sold and distributed by Defendants reached their intended users in the same defective and unreasonably dangerous condition in which the Defendants' Prevacid 24HR and Prilosec OTC were manufactured.

205. Defendants designed, researched, manufactured, tested, advertised, promoted, marketed, sold and distributed a defective product which created an unreasonable risk to the health of consumers and to the Plaintiff in particular, and Defendants are therefore strictly liable for the injuries sustained by the Plaintiff.

206. The Plaintiff could not, by the exercise of reasonable care, have discovered Prevacid 24HR and Prilosec OTC's defects herein mentioned and perceived its danger.

207. Prevacid 24HR and Prilosec OTC were designed, researched, manufactured, tested, advertised, promoted, marketed, sold and distributed by Defendants were defective due to inadequate warnings or instructions as the Defendants knew or should have known that the product created a risk of serious and dangerous side effects including, kidney injuries, as well as other severe and personal injuries which are permanent and lasting in nature and the Defendants failed to adequately warn of said risk.

208. Prevacid 24HR and Prilosec OTC was designed, researched, manufactured, tested, advertised, promoted, marketed, sold and distributed by Defendants was defective due to inadequate warnings and/or inadequate testing.

209. Prevacid 24HR and Prilosec OTC were designed, researched, manufactured, tested, advertised, promoted, marketed, sold and distributed by Defendants was defective due to inadequate post-marketing surveillance and/or warnings because, after Defendants knew or should have known of the risks of serious side effects including, kidney injuries, as well as other

severe and permanent health consequences from Prevacid 24HR and Prilosec OTC, they failed to provide adequate warnings to users or consumers of the product, and continued to improperly advertise, market and/or promote their products, Prevacid 24HR and Prilosec OTC.

210. By reason of the foregoing, the Defendants have become strictly liable in tort to the Plaintiff for the manufacturing, marketing, promoting, distribution, and selling of defective products, Prevacid 24HR and Prilosec OTC.

211. Defendants' defective design, manufacturing defect, and inadequate warnings of Prevacid 24HR and Prilosec OTC were acts that amount to willful, wanton, and/or reckless conduct by Defendants.

212. That said defects in Defendants' drugs Prevacid 24HR and Prilosec OTC were a substantial factor in causing Plaintiff's injuries.

213. As a result of the foregoing acts and omissions, the Plaintiff was caused to suffer serious and dangerous side effects including, kidney injuries, as well as other severe and personal injuries which are permanent and lasting in nature, physical pain and mental anguish, including diminished enjoyment of life, as well as the need for lifelong medical treatment, monitoring and/or medications.

214. As a result of the foregoing acts and omissions the Plaintiff requires and/or will require more health care and services and did incur medical, health, incidental and related expenses. Plaintiff is informed and believes and further alleges that Plaintiff will in the future be required to obtain further medical and/or hospital care, attention, and services.

215. By reason of the foregoing, Plaintiff has been damaged as against the Defendants in the sum of TEN MILLION DOLLARS ($10,000,000.00)

THIRD CAUSE OF ACTION
AS AGAINST THE DEFENDANTS
(BREACH OF EXPRESS WARRANTY)

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

217. Defendants expressly warranted that Prevacid 24HR and Prilosec OTC were safe and well accepted by users.

218. Prevacid 24HR and Prilosec OTC do not conform to these express representations because Prevacid 24HR and Prilosec OTC are not safe and has numerous serious side effects, many of which were not accurately warned about by Defendants. As a direct and proximate result of the breach of said warranties, Plaintiff suffered and/or will continue to suffer severe and permanent personal injuries, harm and economic loss.

219. Plaintiff did rely on the express warranties of the Defendants herein.

220. Members of the medical community, including physicians and other healthcare professionals, relied upon the representations and warranties of the Defendants for use of Prevacid 24HR and Prilosec OTC in recommending, prescribing, and/or dispensing Prevacid 24HR and Prilosec OTC.

221. The Defendants herein breached the aforesaid express warranties, as their drugs Prevacid 24HR and Prilosec OTC were defective.

222. Defendants expressly represented to Plaintiff's physicians, healthcare providers, and/or the FDA that Prevacid 24HR and Prilosec OTC were safe and fit for use for the purposes intended, that it was of merchantable quality, that it did not produce any dangerous side effects in excess of those risks associated with other forms for treatment of peptic disorders which include

gastroesophageal reflux disease (GERD), peptic ulcer disease, and nonsteroidal anti-inflammatory drug induced gastropathy, that the side effects it did produce were accurately reflected in the warnings and that it was adequately tested and fit for its intended use.

223. Defendants knew or should have known that, in fact, said representations and warranties were false, misleading and untrue in that Prevacid 24HR and Prilosec OTC were not safe and fit for the use intended, and, in fact, produced serious injuries to the users that were not accurately identified and represented by Defendants.

224. As a result of the foregoing acts and omissions, the Plaintiff was caused to suffer serious and dangerous side effects including, Acute Renal Failure and End Stage Renal Disease, as well as other severe and personal injuries which are permanent and lasting in nature, physical pain and mental anguish, including diminished enjoyment of life, as well as the need for lifelong medical treatment, monitoring and/or medications.

225. By reason of the foregoing, Plaintiff has been severely and permanently injured, and will require more constant and continuous medical monitoring and treatment than prior to Plaintiff's use of Defendants' Prevacid 24HR and Prilosec OTC drugs.

226. As a result of the foregoing acts and omissions the Plaintiff requires and/or will require more health care and services and did incur medical, health, incidental and related expenses. Plaintiff is informed and believes and further alleges that Plaintiff will in the future be required to obtain further medical and/or hospital care, attention, and services.

227. By reason of the foregoing, Plaintiff has been damaged as against the Defendants in the sum of TEN MILLION DOLLARS ($10,000,000.00).

FOURTH CAUSE OF ACTION
AS AGAINST THE DEFENDANTS
(BREACH OF IMPLIED WARRANTIES)

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

229. At all times herein mentioned, the Defendants manufactured, compounded, portrayed, distributed, recommended, merchandized, advertised, promoted and sold Prevacid 24HR and Prilosec OTC and/or have recently acquired the Defendants who have manufactured, compounded, portrayed, distributed, recommended, merchandized, advertised, promoted and sold Prevacid 24HR and Prilosec OTC for the treatment of peptic disorders which include gastroesophageal reflux disease (GERD), peptic ulcer disease, and nonsteroidal anti-inflammatory drug induced gastropathy.

230. At the time Defendants marketed, sold, and distributed Prevacid 24HR and Prilosec OTC for use by Plaintiff, Defendants knew of the use for which Prevacid 24HR and Prilosec OTC were intended and impliedly warranted the product to be of merchantable quality and safe and fit for such use.

231. The Defendants impliedly represented and warranted to the users of Prevacid 24HR and Prilosec OTC and their physicians, healthcare providers, and/or the FDA that Prevacid 24HR and Prilosec OTC was safe and of merchantable quality and fit for the ordinary purpose for which said product was to be used.

232. That said representations and warranties aforementioned were false, misleading, and inaccurate in that Prevacid 24HR and Prilosec OTC were unsafe, unreasonably dangerous, improper, not of merchantable quality, and defective.

233. Plaintiff, and/or members of the medical community and/or healthcare professionals did rely on said implied warranty of merchantability of fitness for a particular use and purpose.

234. Plaintiff and Plaintiff's physicians and healthcare professionals reasonably relied upon the skill and judgment of Defendants as to whether Prevacid 24HR and Prilosec OTC were of merchantable quality and safe and fit for its intended use.

235. Prevacid 24HR and Prilosec OTC were injected into the stream of commerce by the Defendants in a defective, unsafe, and inherently dangerous condition and the products and materials were expected to and did reach users, handlers, and persons coming into contact with said products without substantial change in the condition in which they were sold.

236. The Defendants herein breached the aforesaid implied warranties, as their drugs Prevacid 24HR and Prilosec OTC were not fit for its intended purposes and uses.

237. As a result of the foregoing acts and omissions, the Plaintiff was caused to suffer serious and dangerous side effects including, kidney injuries, as well as other severe and personal injuries which are permanent and lasting in nature, physical pain and mental anguish, including diminished enjoyment of life, as well as the need for lifelong medical treatment, monitoring and/or medications.

238. As a result of the foregoing acts and omissions the Plaintiff requires and/or will require more health care and services and did incur medical, health, incidental and related expenses. Plaintiff is informed and believes and further alleges that Plaintiff will in the future be required to obtain further medical and/or hospital care, attention, and services.

239. By reason of the foregoing, Plaintiff has been damaged as against the Defendants in the sum of TEN MILLION DOLLARS ($10,000,000.00).

FIFTH CAUSE OF ACTION
AS AGAINST THE DEFENDANTS
(FRAUDULENT MISREPRESENTATION)

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

241. The Defendants falsely and fraudulently represented to the medical and healthcare community, and to the Plaintiff, and/or the FDA, and the public in general, that said products, Prevacid 24HR and Prilosec OTC had been tested and were found to be safe and/or effective for treatment of peptic disorders which include gastroesophageal reflux disease (GERD), peptic ulcer disease, and nonsteroidal anti-inflammatory drug induced gastropathy.

242. That representations made by Defendants were, in fact, false.

243. When said representations were made by Defendants, they knew those representations to be false and it willfully, wantonly and recklessly disregarded whether the representations were true.

244. These representations were made by said Defendants with the intent of defrauding and deceiving the Plaintiff, the public in general, and the medical and healthcare community in particular, and were made with the intent of inducing the public in general, and the medical and healthcare community in particular, to recommend, prescribe, dispense and/or purchase said products, Prevacid 24HR and Prilosec OTC, for treatment of peptic disorders which include gastroesophageal reflux disease (GERD), peptic ulcer disease, and nonsteroidal anti-inflammatory drug induced gastropathy, all of which evinced a callous, reckless, willful, depraved indifference to the health, safety and welfare of the Plaintiff herein.

245. At the time the aforesaid representations were made by the Defendants and, at the time the Plaintiff used Prevacid 24HR and Prilosec OTC, the Plaintiff was unaware of the falsity of said representations and reasonably believed them to be true.

246. In reliance upon said representations, the Plaintiff was induced to and did use Prevacid 24HR and Prilosec OTC, thereby sustaining severe and permanent personal injuries, and/or being at an increased risk of sustaining severe and permanent personal injuries in the future.

247. Said Defendants knew and were aware or should have been aware that Prevacid 24HR and Prilosec OTC had not been sufficiently tested, was defective in nature, and/or that it lacked adequate and/or sufficient warnings.

248. Defendants knew or should have known that Prevacid 24HR and Prilosec OTC had a potential to, could, and would cause severe and grievous injury to the users of said product, and that it was inherently dangerous in a manner that exceeded any purported, inaccurate, and/or down-played warnings.

249. Defendants brought Prevacid 24HR and Prilosec OTC to the market, and acted fraudulently, wantonly and maliciously to the detriment of the Plaintiff.

250. As a result of the foregoing acts and omissions, the Plaintiff was caused to suffer serious and dangerous side effects including, [PROMPT, diagnosis], as well as other severe and personal injuries which are permanent and lasting in nature, physical pain and mental anguish, including diminished enjoyment of life, as well as the need for lifelong medical treatment, monitoring and/or medications.

251. As a result of the foregoing acts and omissions the Plaintiff requires and/or will require more health care and services and did incur medical, health, incidental and related

expenses. Plaintiff is informed and believe and further allege that the Plaintiff will in the future be required to obtain further medical and/or hospital care, attention, and services.

252. By reason of the foregoing, Plaintiff has been damaged as against the Defendants in the sum of TEN MILLION DOLLARS ($10,000,000.00).

SIXTH CAUSE OF ACTION
AS AGAINST THE DEFENDANTS
(FRAUDULENT CONCEALMENT)

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

254. At all times during the course of dealing between Defendants and Plaintiff, and/or Plaintiff's healthcare providers, and/or the FDA, Defendants misrepresented the safety of Prevacid 24HR and Prilosec OTC for its intended use.

255. Defendants knew or were reckless in not knowing that its representations were false.

256. In representations to Plaintiff, and/or Plaintiff's healthcare providers, and/or the FDA, Defendants fraudulently concealed and intentionally omitted the following material information:

(a) that Prevacid 24HR and Prilosec OTC were not as safe as other forms of treatment for treatment of peptic disorders which include gastroesophageal reflux disease (GERD), peptic ulcer disease, and nonsteroidal anti-inflammatory drug induced gastropathy;

(b) that the risks of adverse events with Prevacid 24HR and Prilosec OTC were higher than those with other forms of treatment of peptic disorders which include gastroesophageal reflux disease (GERD), peptic ulcer

disease, and nonsteroidal anti-inflammatory drug induced gastropathy;

(c) that the risks of adverse events with Prevacid 24HR and Prilosec OTC were not adequately tested and/or known by Defendants;

(d) that Defendants were aware of dangers in Prevacid 24HR and Prilosec OTC, in addition to and above and beyond those associated with other forms of treatment of peptic disorders which include gastroesophageal reflux disease (GERD), peptic ulcer disease, and nonsteroidal anti-inflammatory drug induced gastropathy;

(e) that Prevacid 24HR and Prilosec OTC were defective, and that it caused dangerous side effects, including but not limited to kidney injuries;

(f) that patients needed to be monitored more regularly than normal while using Prevacid 24HR and Prilosec OTC;

(g) that Prevacid 24HR and Prilosec OTC were manufactured negligently;

(h) that Prevacid 24HR and Prilosec OTC were manufactured defectively;

(i) that Prevacid 24HR and Prilosec OTC were manufactured improperly;

(j) that Prevacid 24HR and Prilosec OTC were designed negligently;

(k) that Prevacid 24HR and Prilosec OTC were designed defectively; and

(l) that Prevacid 24HR and Prilosec OTC were designed improperly.

257. Defendants were under a duty to disclose to Plaintiff, and Plaintiff's physicians, hospitals, healthcare providers, and/or the FDA the defective nature of Prevacid 24HR and Prilosec OTC, including but not limited to the heightened risks of kidney injury.

258. Defendants had sole access to material facts concerning the defective nature of the product and its propensity to cause serious and dangerous side effects, and hence, cause damage to persons who used Prevacid 24HR and Prilosec OTC, including the Plaintiff, in particular.

259. Defendants' concealment and omissions of material facts concerning, inter alia, the safety of Prevacid 24HR and Prilosec OTC was made purposefully, willfully, wantonly, and/or recklessly, to mislead Plaintiff, and Plaintiff's physicians, hospitals and healthcare providers into reliance, continued use of Prevacid 24HR and Prilosec OTC, and actions thereon, and to cause them to purchase, prescribe, and/or dispense Prevacid 24HR and Prilosec OTC and/or use the products.

260. Defendants knew that Plaintiff, and Plaintiff's physicians, hospitals, healthcare providers, and/or the FDA had no way to determine the truth behind Defendants' concealment and omissions, and that these included material omissions of facts surrounding Prevacid 24HR and Prilosec OTC, as set forth herein.

261. Plaintiff, as well as Plaintiff's doctors, healthcare providers, and/or hospitals reasonably relied on facts revealed which negligently, fraudulently and/or purposefully did not include facts that were concealed and/or omitted by Defendants.

262. As a result of the foregoing acts and omissions, the Plaintiff was caused to suffer serious and dangerous side effects including, [PROMPT, diagnosis], as well as other severe and personal injuries which are permanent and lasting in nature, physical pain and mental anguish, including diminished enjoyment of life, as well as the need for lifelong medical treatment, monitoring and/or medications.

263. As a result of the foregoing acts and omissions the Plaintiff requires and/or will require more health care and services and did incur medical, health, incidental and related

expenses. Plaintiff is informed and believes and further alleges that Plaintiff will in the future be required to obtain further medical and/or hospital care, attention, and services.

264. By reason of the foregoing, Plaintiff has been damaged as against the Defendants in the sum of TEN MILLION DOLLARS ($10,000,000.00).

SEVENTH CAUSE OF ACTION
AS AGAINST THE DEFENDANTS
(NEGLIGENT MISREPRESENTATION)

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

266. Defendants had a duty to represent to the medical and healthcare community, and to the Plaintiff, the FDA and the public in general that said products, Prevacid 24HR and Prilosec OTC, had been tested and found to be safe and effective for treatment of peptic disorders which include gastroesophageal reflux disease (GERD), peptic ulcer disease, and nonsteroidal anti-inflammatory drug induced gastropathy.

267. The representations made by Defendants were, in fact, false.

268. Defendants failed to exercise ordinary care in the representation Prevacid 24HR and Prilosec OTC, while involved in its manufacture, sale, testing, quality assurance, quality control, and/or distribution of said product into interstate commerce, in that Defendants negligently misrepresented Prevacid 24HR and Prilosec OTC's high risk of unreasonable, dangerous side effects.

269. Defendants breached their duty in representing Prevacid 24HR and Prilosec OTC's serious side effects to the medical and healthcare community, to the Plaintiff, the FDA and the public in general.

270. As a result of the foregoing acts and omissions, the Plaintiff was caused to suffer serious and dangerous side effects including, Acute Renal Failure and End Stage Renal Disease, as well as other severe and personal injuries which are permanent and lasting in nature, physical pain and mental anguish, including diminished enjoyment of life, as well as the need for lifelong medical treatment, monitoring and/or medications.

271. As a result of the foregoing acts and omissions the Plaintiff requires and/or will require more health care and services and did incur medical, health, incidental and related expenses. Plaintiff is informed and believes and further alleges that Plaintiff will in the future be required to obtain further medical and/or hospital care, attention, and services.

272. By reason of the foregoing, Plaintiff has been damaged as against the Defendants in the sum of TEN MILLION DOLLARS ($10,000,000.00).

EIGHTH CAUSE OF ACTION
AS AGAINST THE DEFENDANTS
(FRAUD AND DECEIT)

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

274. Defendants conducted research and used Prevacid 24HR and Prilosec OTC as part of their research.

275. As a result of Defendants' research and testing, or lack thereof, Defendants blatantly and intentionally distributed false information, including but not limited to assuring the public, the Plaintiff, Plaintiff's doctors, hospitals, healthcare professionals, and/or the FDA that Prevacid 24HR and Prilosec OTC were safe and effective for treatment of peptic disorders which

include gastroesophageal reflux disease (GERD), peptic ulcer disease, and nonsteroidal anti-inflammatory drug induced gastropathy.

276. As a result of Defendants' research and testing, or lack thereof, Defendants intentionally omitted certain results of testing and research to the public, healthcare professionals, and/or the FDA, including the Plaintiff.

277. Defendants had a duty when disseminating information to the public to disseminate truthful information and a parallel duty not to deceive the public and the Plaintiff, as well as Plaintiff's respective healthcare providers and/or the FDA.

278. The information distributed to the public, the FDA, and the Plaintiff by Defendants, including but not limited to reports, press releases, advertising campaigns, television commercials, print ads, magazine ads, billboards, and all other commercial media contained material representations of fact and/or omissions.

279. The information distributed to the public, the FDA, and the Plaintiff by Defendants intentionally included representations that Defendants' drug Prevacid 24HR and Prilosec OTC were safe and effective for use for treatment of peptic disorders which include gastroesophageal reflux disease (GERD), peptic ulcer disease, and nonsteroidal anti-inflammatory drug induced gastropathy.

280. The information distributed to the public, the FDA, and the Plaintiff, by Defendants intentionally included representations that Defendants' drugs Prevacid 24HR and Prilosec OTC carried the same risks, hazards, and/or dangers as other forms of treatment for treatment of peptic disorders which include gastroesophageal reflux disease (GERD), peptic ulcer disease, and nonsteroidal anti-inflammatory drug induced gastropathy.

281. The information distributed to the public, the FDA, and the Plaintiff, by Defendants intentionally included false representations that Prevacid 24HR and Prilosec OTC were not injurious to the health and/or safety of its intended users.

282. The information distributed to the public, the FDA, and the Plaintiff, by Defendants intentionally included false representations that Prevacid 24HR and Prilosec OTC were as potentially injurious to the health and/or safety of its intended as other forms of treatment for treatment of peptic disorders which include gastroesophageal reflux disease (GERD), peptic ulcer disease, and nonsteroidal anti-inflammatory drug induced gastropathy.

283. These representations were all false and misleading.

284. Upon information and belief, Defendants intentionally suppressed, ignored and disregarded test results not favorable to the Defendants, and results that demonstrated that Prevacid 24HR and Prilosec OTC were not safe as a means of treatment for treatment of peptic disorders which include gastroesophageal reflux disease (GERD), peptic ulcer disease, and nonsteroidal anti-inflammatory drug induced gastropathy.

285. Defendants intentionally made material representations to the FDA and the public, including the medical profession, and the Plaintiff, regarding the safety of Prevacid 24HR and Prilosec OTC, specifically but not limited to Prevacid 24HR and Prilosec OTC not having dangerous and serious health and/or safety concerns.

286. Defendants intentionally made material representations to the FDA and the public in general, including the medical profession, and the Plaintiff, regarding the safety of Prevacid 24HR and Prilosec OTC, specifically but not limited to Prevacid 24HR and Prilosec OTC being a safe means for treatment of peptic disorders which include gastroesophageal reflux disease (GERD), peptic ulcer disease, and nonsteroidal anti-inflammatory drug induced gastropathy.

287. That it was the purpose of Defendants in making these representations to deceive and defraud the public, the FDA, and/or the Plaintiff, to gain the confidence of the public, healthcare professionals, the FDA, and/or the Plaintiff, to falsely ensure the quality and fitness for use of Prevacid 24HR and Prilosec OTC induce the public, and/or the Plaintiff to purchase, request, dispense, prescribe, recommend, and/or continue to use Prevacid 24HR and Prilosec OTC.

288. Defendants made the aforementioned false claims and false representations with the intent of convincing the public, healthcare professionals, the FDA, and/or the Plaintiff that Prevacid 24HR and Prilosec OTC were fit and safe for use for treatment of peptic disorders which include gastroesophageal reflux disease (GERD), peptic ulcer disease, and nonsteroidal anti-inflammatory drug induced gastropathy.

289. Defendants made the aforementioned false claims and false representations with the intent of convincing the public, healthcare professionals, the FDA, and/or the Plaintiff that Prevacid 24HR and Prilosec OTC were fit and safe for use for treatment of peptic disorders which include gastroesophageal reflux disease (GERD), peptic ulcer disease, and nonsteroidal anti-inflammatory drug induced gastropathy.

290. That Defendants made claims and representations in its documents submitted to the FDA, to the public, to healthcare professionals, and the Plaintiff that Prevacid 24HR and Prilosec OTC did not present serious health and/or safety risks.

291. That Defendants made claims and representations in its documents submitted to the FDA, to the public, to healthcare professionals, and the Plaintiff that Prevacid 24HR and Prilosec OTC did not present health and/or safety risks greater than other oral forms for

treatment of peptic disorders which include gastroesophageal reflux disease (GERD), peptic ulcer disease, and nonsteroidal anti-inflammatory drug induced gastropathy.

292. That these representations and others made Defendants were false when made, and/or were made with a pretense of actual knowledge when knowledge did not actually exist, and/or were made recklessly and without regard to the actual facts.

293. That these representations and others, made by Defendants, were made with the intention of deceiving and defrauding the Plaintiff, including Plaintiff's respective healthcare professionals and/or the FDA, and were made in order to induce the Plaintiff and/or Plaintiff's respective healthcare professionals to rely upon misrepresentations and caused the Plaintiff to purchase, use, rely on, request, dispense, recommend, and/or prescribe Prevacid 24HR and Prilosec OTC.

294. That Defendants, recklessly and intentionally falsely represented the dangerous and serious health and/or safety concerns of Prevacid 24HR and Prilosec OTC to the public at large, the Plaintiff in particular, for the purpose of influencing the marketing of a product known to be dangerous and defective and/or not as safe as other alternatives, including other forms of treatment of peptic disorders which include gastroesophageal reflux disease (GERD), peptic ulcer disease, and nonsteroidal anti-inflammatory drug induced gastropathy.

295. That Defendants willfully and intentionally failed to disclose the material facts regarding the dangerous and serious safety concerns of Prevacid 24HR and Prilosec OTC by concealing and suppressing material facts regarding the dangerous and serious health and/or safety concerns of Prevacid 24HR and Prilosec OTC.

296. That Defendants willfully and intentionally failed to disclose the truth, failed to disclose material facts and made false representations with the purpose and design of deceiving

and lulling the Plaintiff, as well as Plaintiff's respective healthcare professionals into a sense of security so that Plaintiff would rely on the representations and purchase, use and rely on Prevacid 24HR and Prilosec OTC and/or that Plaintiff's respective healthcare providers would dispense, prescribe, and/or recommend the same.

297. Defendants, through their public relations efforts, which included but were not limited to the public statements and press releases, knew or should have known that the public, including the Plaintiff, as well as Plaintiff's respective healthcare professionals would rely upon the information being disseminated.

298. Defendants utilized direct to consumer adverting to market, promote, and/or advertise Prevacid 24HR and Prilosec OTC.

299. That the Plaintiff and/or Plaintiff's respective healthcare professionals did in fact rely on and believe the Defendants' representations to be true at the time they were made and relied upon the representations as well as the superior knowledge of treatment of peptic disorders which include gastroesophageal reflux disease (GERD), peptic ulcer disease, and nonsteroidal anti-inflammatory drug induced gastropathy.

300. That at the time the representations were made, the Plaintiff and/or Plaintiff's respective healthcare providers did not know the truth with regard to the dangerous and serious health and/or safety concerns of Prevacid 24HR and Prilosec OTC.

301. That the Plaintiff did not discover the true facts with respect to the dangerous and serious health and/or safety concerns, and the false representations of Defendants, nor could the Plaintiff with reasonable diligence have discovered the true facts.

302. That had the Plaintiff known the true facts with respect to the dangerous and serious health and/or safety concerns of Prevacid 24HR and Prilosec OTC, Plaintiff would not have purchased, used and/or relied on Defendants' drugs Prevacid 24HR and Prilosec OTC.

303. That the Defendants' aforementioned conduct constitutes fraud and deceit, and was committed and/or perpetrated willfully, wantonly and/or purposefully on the Plaintiff.

304. As a result of the foregoing acts and omissions, the Plaintiff was caused to suffer serious and dangerous side effects including, Acute Renal Failure and End Stage Renal Disease, as well as other severe and personal injuries which are permanent and lasting in nature, physical pain and mental anguish, including diminished enjoyment of life, as well as the need for lifelong medical treatment, monitoring and/or medications.

305. As a result of the foregoing acts and omissions the Plaintiff requires and/or will require more health care and services and did incur medical, health, incidental and related expenses. Plaintiff is informed and believes and further alleges that Plaintiff will in the future be required to obtain further medical and/or hospital care, attention, and services.

306. By reason of the foregoing, Plaintiff has been damaged as against the Defendants in the sum of TEN MILLION DOLLARS ($10,000,000.00).

NINTH CAUSE OF ACTION
AS AGAINST THE DEFENDANTS
(VIOLATION OF THE NEW JERSEY CONSUMER FRAUD ACT)

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

308. At all times relevant, the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et. seq., prohibits "[the] act, use or employment by any person of any unconscionable commercial

practice, deception, fraud, false pretense, false promise, misrepresentation, or the knowing, concealment, suppression, or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise…" and declares such acts or practices as unlawful.

309. Defendants violated the New Jersey Consumer Fraud Act by the use of false and misleading misrepresentations or omissions of material fact in connection with the marketing, promotion, and sale of Prevacid 24HR and Prilosec OTC. Defendants communicated the purported benefits of Prevacid 24HR and Prilosec OTC while failing to disclose the serious and dangerous side effects related to the use of Prevacid 24HR and Prilosec OTC with the intent that consumers, including Plaintiff and Plaintiff's healthcare providers rely upon the omissions and misrepresentations and purchase or prescribe Prevacid 24HR and Prilosec OTC, respectively.

310. As a result of violating the New Jersey Consumer Fraud Act, Defendants caused Plaintiff to be prescribed and to use Prevacid 24HR and Prilosec OTC, causing severe injuries and damages as previously described herein.

TENTH CAUSE OF ACTION
AS AGAINST THE DEFENDANTS
(PRODUCT LIABILITY – DESIGN DEFECT - (N.J.S.A. 2A:58C-1 *et seq*))

311. Plaintiffs repeat, reiterate and reallege each and every allegation of this Complaint contained in each of the foregoing paragraphs inclusive, with the same force and effect as if more fully set forth herein.

312. Defendants designed, developed, researched, tested, licensed, manufactured, packaged, labeled, promoted, marketed, sold, and/or distributed Prevacid 24HR and Prilosec OTC, including the Prevacid 24HR and Prilosec OTC used by Plaintiff, was in a defective and unreasonably dangerous condition.

313. Defendants expected Prevacid 24HR and Prilosec OTC to reach, and it did in fact reach, Plaintiff without substantial change in the condition in which it was manufactured and sold by the Defendants.

314. At all times relevant hereto, Defendants' Prevacid 24HR and Prilosec OTC were manufactured, designed, and labeled in an unsafe, defective, and inherently dangerous condition and was dangerous for use by the public and in particular by Plaintiff.

315. At all times relevant to this action, Prevacid 24HR and Prilosec OTC, as designed, developed, researched, tested, licensed, manufactured, packaged, labeled, promoted, marketed, sold, and/or distributed by the Defendants, was defective in design and formulation in one or more of the following particulars:

a. When placed in the stream of commerce, Prevacid 24HR and Prilosec OTC contained unreasonably dangerous design defects and was not reasonably safe as intended to be used, subjecting Plaintiff to risks that exceeded the benefits of the drug;

b. When placed in the stream of commerce, Prevacid 24HR and Prilosec OTC were defective in design and formulation, making use of the drug more dangerous than an ordinary consumer would expect and more dangerous than other risks associated with the treatment of peptic disorders which include gastroesophageal reflux disease (GERD), peptic ulcer disease, and nonsteroidal anti-inflammatory drug induced gastropathy;

c. Prevacid 24HR and Prilosec OTC were insufficiently tested;

d. Prevacid 24HR and Prilosec OTC caused harmful side effects that outweighed any potential utility;

e. Defendants were aware at the time Prevacid 24HR and Prilosec OTC were marketed that ingestion of Prevacid 24HR and Prilosec OTC would result in an increased risk of AKI, CKD, ESRD, and other injuries;

f. Inadequate post-marketing surveillance; and/or

g. There were safer alternative designs and formulations that were not utilized.

316. Prevacid 24HR and Prilosec OTC were defective, failed to perform safely, and was unreasonably dangerous when used by ordinary consumers, including Plaintiff, as intended and in a reasonably foreseeable manner.

317. Prevacid 24HR and Prilosec OTC, as designed, developed, researched, tested, licensed, manufactured, packaged, labeled, promoted, marketed, sold, and/or distributed by Defendants, was defective in its design or formulation, in that it was unreasonably dangerous and its foreseeable risks exceeded the alleged benefits associated with Prevacid 24HR and Prilosec OTC's design or formulation.

318. Prevacid 24HR and Prilosec OTC, as designed, developed, researched, tested, licensed, manufactured, packaged, labeled, promoted, marketed, sold, and/or distributed by Defendants, was defective in design or formulation in that it posed a greater likelihood of injury than other proton-pump inhibitors and was more dangerous than an ordinary consumer could reasonably foresee or anticipate.

319. At all times relevant to this action, Defendants knew or had reason to know that Prevacid 24HR and Prilosec OTC were in a defective condition and was inherently dangerous and unsafe when used in the manner instructed, provided, and/or promoted by Defendants.

320. Defendants had a duty to properly test, develop, design, manufacture, inspect, package, label, market, promote, sell, distribute, maintain supply, provide proper warnings, and

otherwise ensure that Prevacid 24HR and Prilosec OTC were not unreasonably dangerous for its normal, common, intended use, or for use in a form and manner instructed and provided by Defendants.

321. When Defendants placed Prevacid 24HR and Prilosec OTC into the stream of commerce, they knew it would be prescribed to treat peptic disorders, and they marketed and promoted Prevacid 24HR and Prilosec OTC as safe for treating peptic disorders.

322. Plaintiff was prescribed, purchased, and used Prevacid 24HR and Prilosec OTC. Plaintiff used Prevacid 24HR and Prilosec OTC for its intended purpose and in the manner recommended, promoted, marketed, and reasonably anticipated by Defendants.

323. Neither Plaintiff nor Plaintiff's health care professionals, by the exercise of reasonable care, could have discovered the defects and risks associated with Prevacid 24HR and Prilosec OTC before Plaintiff's ingestion of Prevacid 24HR and Prilosec OTC.

324. The harm caused by Prevacid 24HR and Prilosec OTC far outweighed its benefit, rendering Prevacid 24HR and Prilosec OTC more dangerous than an ordinary consumer or health care professional would expect and more dangerous than alternative products. Defendants could have designed Prevacid 24HR and Prilosec OTC to make it less dangerous. When Defendants designed Prevacid 24HR and Prilosec OTC, the state of the industry's scientific knowledge was such that a less risky design was attainable.

325. At the time Prevacid 24HR and Prilosec OTC left Defendants' control, there was a practical, technically feasible and safer alternative design that would have prevented the harm Plaintiff suffered without substantially impairing the reasonably anticipated or intended function of Prevacid 24HR and Prilosec OTC. This was demonstrated by the existence of other peptic

disorder medications that had a more established safety profile and a considerably lower risk profile.

326. Defendants' defective design of Prevacid 24HR and Prilosec OTC were willful, wanton, fraudulent, malicious, and done with reckless disregard for the health and safety of users of Prevacid 24HR and Prilosec OTC. Defendants' conduct was motivated by greed and the intentional decision to value profits over the safety and well-being of the consumers of Prevacid 24HR and Prilosec OTC.

327. The defects in Prevacid 24HR and Prilosec OTC were substantial and contributing factors in causing Plaintiff's injuries. But for Defendants' acts and omissions, Plaintiff would not have suffered the injuries complained of herein.

328. Due to the unreasonably dangerous condition of Prevacid 24HR and Prilosec OTC, Defendants are liable to Plaintiff.

329. Defendants' conduct, as described above, was reckless. Defendants risked the lives of consumers and users of Prevacid 24HR and Prilosec OTC, including Plaintiff, with knowledge of the safety problems associated with Prevacid 24HR and Prilosec OTC, and suppressed this knowledge from the general public. Defendants made conscious decisions not to redesign, adequately warn, or inform the unsuspecting public. Defendants' reckless conduct warrants an award of punitive damages.

330. As a foreseeable, direct, and proximate consequence of Defendants' actions, omissions, and misrepresentations, Plaintiff suffered an AKI, and other related health complications. In addition, Plaintiff requires and will continue to require healthcare and services. Plaintiff has incurred and will continue to incur medical and related expenses. Plaintiff also has suffered and will continue to suffer diminished capacity for the enjoyment of life, a diminished

quality of life, increased risk of premature death, aggravation of preexisting conditions, activation of latent conditions, and other losses and damages. Plaintiff's direct medical losses and costs include physician care, monitoring, and treatment. Plaintiff has incurred and will continue to incur mental and physical pain and suffering.

ELEVENTH CAUSE OF ACTION
AS AGAINST THE DEFENDANTS
PRODUCTS LIABILITY – FAILURE TO WARN (N.J.S.A. 2A:58C-1 *et seq.*))

331. Plaintiffs repeat, reiterate and reallege each and every allegation of this Complaint contained in each of the foregoing paragraphs inclusive, with the same force and effect as if more fully set forth herein.

332. Defendants have engaged in the business of designing, developing, researching, testing, licensing, manufacturing, packaging, labeling, promoting, marketing, selling, and/or distributing Prevacid 24HR and Prilosec OTC. Through that conduct, Defendants knowingly and intentionally placed Prevacid 24HR and Prilosec OTC into the stream of commerce with full knowledge that it reaches consumers, such as Plaintiff, who ingested it.

333. Defendants researched, developed, designed, tested, manufactured, inspected, labeled, distributed, marketed, promoted, sold, and otherwise released Prevacid 24HR and Prilosec OTC into the stream of commerce. In the course of same, Defendants directly advertised, marketed, and promoted Prevacid 24HR and Prilosec OTC to the FDA, health care professionals, Plaintiff, and other consumers, and therefore had a duty to warn of the risks associated with the use of Prevacid 24HR and Prilosec OTC.

334. Defendants expected Prevacid 24HR and Prilosec OTC to reach, and it did in fact reach, prescribing health care professionals and consumers, including Plaintiff and Plaintiff's

prescribing health care professionals, without any substantial change in the condition of the product from when it was initially distributed by Defendants.

335. Prevacid 24HR and Prilosec OTC, as manufactured and/or supplied by Defendants, was defective due to inadequate warnings or instructions. Defendants knew or should have known that the product created significant risks of serious bodily harm to consumers, as alleged herein, and they failed to adequately warn consumers and/or their health care professionals of such risks.

336. Prevacid 24HR and Prilosec OTC were defective and unsafe such that it was unreasonably dangerous when it left Defendants' possession and/or control, was distributed by Defendants, and ingested by Plaintiff. Prevacid 24HR and Prilosec OTC contained warnings insufficient to alert consumers, including Plaintiff, to the dangerous risks and reactions associated with Prevacid 24HR and Prilosec OTC, including the development of Plaintiff's injuries.

337. This defect caused serious injury to Plaintiff, who used Prevacid 24HR and Prilosec OTC for its intended purpose and in a reasonably anticipated manner.

338. At all times herein mentioned, Defendants had a duty to properly test, develop, design, manufacture, inspect, package, label, market, promote, sell, distribute, supply, warn, and take such other steps as are necessary to ensure Prevacid 24HR and Prilosec OTC did not cause users to suffer from unreasonable and dangerous risks.

339. Defendants negligently and recklessly labeled, distributed, and promoted Prevacid 24HR and Prilosec OTC.

340. Defendants had a continuing duty to warn Plaintiff of the dangers associated with Prevacid 24HR and Prilosec OTC.

341. Defendants, as manufacturers, sellers, or distributors of prescription drugs, are held to the knowledge of an expert in the field.

342. Plaintiff could not have discovered any defects in Prevacid 24HR and Prilosec OTC through the exercise of reasonable care and relied upon the skill, superior knowledge, and judgment of Defendants.

343. Defendants were aware of the probable consequences of the aforesaid conduct. Despite the facts that Defendants knew or should have known that Prevacid 24HR and Prilosec OTC caused serious injuries, they failed to exercise reasonable care to warn of the severity of the dangerous risks associated with its use. The dangerous propensities of Prevacid 24HR and Prilosec OTC, as referenced above, were known to the Defendants, or scientifically knowable to them, through appropriate research and testing by known methods, at the time they distributed, supplied, or sold the product. Such information was not known to ordinary physicians who would be expected to prescribe the drug for their patients.

344. Prevacid 24HR and Prilosec OTC, as manufactured and/or supplied by Defendants, was unreasonably dangerous when used by consumers, including Plaintiff, in a reasonably and intended manner without knowledge of this risk of serious bodily harm.

345. Each of the Defendants knew or should have known that the limited warnings disseminated with Prevacid 24HR and Prilosec OTC were inadequate, but they failed to communicate adequate information on the dangers and safe use of its product, taking into account the characteristics of and the ordinary knowledge common to physicians who would be expected to prescribe the drug. In particular, Defendants failed to communicate warnings and instructions to doctors that were appropriate and adequate to render the product safe for its ordinary, intended, and reasonably foreseeable uses, including the common, foreseeable, and

intended use of the product for treatment of peptic disorders which include gastroesophageal reflux disease (GERD), peptic ulcer disease, and nonsteroidal anti-inflammatory drug induced gastropathy.

346. Defendants communicated to health care professionals information that failed to contain relevant warnings, hazards, contraindications, efficacy, side effects, and precautions, that would enable health care professionals to prescribe the drug safely for use by patients for the purposes for which it is intended. In particular, Defendants:

a. disseminated information that was inaccurate, false, and misleading, and which failed to communicate accurately or adequately the comparative severity, duration, and extent of the risk of injuries with use of Prevacid 24HR and Prilosec OTC;

b. continued to aggressively promote Prevacid 24HR and Prilosec OTC even after Defendants knew or should have known of the unreasonable risks from use;

c. failed to accompany their product with proper or adequate warnings or labeling regarding adverse side effects and health risks associated with the use of Prevacid 24HR and Prilosec OTC and the comparative severity of such adverse effects;

d. failed to provide warnings, instructions or other information that accurately reflected the symptoms, scope, and severity of the side effects and health risks, including but not limited to those associated with Prevacid 24HR and Prilosec OTC's capacity to cause its users to suffer CKD;

e. failed to adequately warn users, consumers, and physicians about the need to monitor renal function in patients who do not already suffer from renal impairment; and

f. overwhelmed, downplayed, or otherwise suppressed, through aggressive marketing and promotion, the risks associated with the use of Prevacid 24HR and Prilosec OTC.

347. To this day, Defendants have failed to adequately and accurately warn of the true risks of injuries associated with the use of Prevacid 24HR and Prilosec OTC.

348. Due to these deficiencies and inadequacies, Prevacid 24HR and Prilosec OTC were unreasonably dangerous and defective as manufactured, distributed, promoted, advertised, sold, labeled, and marketed by the Defendants.

349. Had Defendants properly disclosed and disseminated the risks associated with Prevacid 24HR and Prilosec OTC, Plaintiff would have avoided the risk of developing injuries as alleged herein.

350. The Defendants are liable to Plaintiff for injuries caused by their negligent or willful failure to provide adequate warnings or other clinically relevant information and data regarding the appropriate use of Prevacid 24HR and Prilosec OTC and the risks associated with its use.

351. As a foreseeable, direct, and proximate consequence of Defendants' actions, omissions, and misrepresentations, Plaintiff suffered CKD, and other related health complications. In addition, Plaintiff requires and will continue to require healthcare and services. Plaintiff has incurred and will continue to incur medical and related expenses. Plaintiff also has suffered and will continue to suffer diminished capacity for the enjoyment of life, a diminished quality of life, increased risk of premature death, aggravation of preexisting conditions, activation of latent conditions, and other losses and damages. Plaintiff's direct medical losses and costs include physician care, monitoring, and treatment. Plaintiff has incurred and will continue to incur mental and physical pain and suffering.

TWELFTH CAUSE OF ACTION
AS AGAINST THE DEFENDANTS
(PRODUCT LIABILITY – MANUFACTURING DEFECT (N.J.S.A. 2A:58C-1 *et seq.*))

352. Plaintiffs repeat, reiterate and reallege each and every allegation of this Complaint contained in each of the foregoing paragraphs inclusive, with the same force and effect as if more fully set forth herein.

353. At all times material to this action, Defendants were engaged in the business of designing, developing, manufacturing, testing, packaging, promoting, marketing, distributing, labeling, and/or selling Prevacid 24HR and Prilosec OTC.

354. At all times material to this action, Prevacid 24HR and Prilosec OTC were expected to reach, and did reach, consumers in the States of Georgia, New Jersey, and throughout the United States, including Plaintiff, without substantial change in the condition in which it was sold.

355. At all times material to this action, Prevacid 24HR and Prilosec OTC were designed, developed, manufactured, tested, packaged, promoted, marketed, distributed, labeled, and/or sold by Defendants in a defective and unreasonably dangerous condition at the time it was placed in the stream of commerce in ways which include, but are not limited to, one or more of the following particulars:

a. When placed in the stream of commerce, Prevacid 24HR and Prilosec OTC contained manufacturing defects which rendered the product unreasonably dangerous;

b. The subject product's manufacturing defects occurred while the product was in the possession and control of Defendants;

c. The subject product was not made in accordance with Defendants' specifications or performance standards; and/or

d. The subject product's manufacturing defects existed before it left the control of Defendants.

356. As a direct and proximate result of the design defect and Defendants' misconduct set forth herein, Plaintiff has suffered and will continue to suffer serious and permanent physical and emotional injuries, has expended and will continue to expend large sums of money for medical care and treatment, has suffered and will continue to suffer economic loss, and have otherwise been physically, emotionally and economically injured.

THIRTEENTH CAUSE OF ACTION
AS AGAINST THE DEFENDANTS
(PUNITIVE DAMAGES UNDER COMMON LAW,
THE PUNITIVE DAMAGES ACT (N.J.S.A. 2A:15 *et seq.*)
AND THE PRODUCTS LIABILITY ACT (N.J.S.A. 2A:58C-1 *et seq.*))

357. Plaintiffs repeat, reiterate and reallege each and every allegation of this Complaint contained in each of the foregoing paragraphs inclusive, with the same force and effect as if more fully set forth herein.

358. Plaintiff is entitled to punitive damages because Defendants misrepresented and/or withheld information and materials from the FDA, the medical community and the public at large, including the Plaintiff, concerning the safety profile, and, more specifically the serious side effects and/or complications associated with Prevacid 24HR and Prilosec OTC.

359. In respect to the FDA, physicians, and consumers, Defendant downplayed, understated or disregarded knowledge of the serious and permanent side effects and risks associated with the use of Prevacid 24HR and Prilosec OTC, despite available information that Prevacid 24HR and Prilosec OTC were likely to cause serious side effects and/or complications.

360. In respect to the FDA, physicians, and consumers, Defendant downplayed, understated or disregarded knowledge of the serious and permanent side effects and risks associated with the use of Prevacid 24HR and Prilosec OTC, despite available information that Prevacid 24HR and Prilosec OTC were likely to cause serious side effects and/or complications.

361. Defendants' failure to provide the necessary materials and information to the FDA, as well as their failure warn physicians and consumers of the serious side effects and/or complications, was reckless and without regard for the public's safety and welfare.

362. Defendants were or should have been in possession of evidence demonstrating that Prevacid 24HR and Prilosec OTC cause serious side effects. Nevertheless, Defendant continued to market Prevacid 24HR and Prilosec OTC by providing false and misleading information with regard to safety and efficacy.

363. Defendants failed to provide the FDA, physicians and consumers with available materials, information and warnings that would have ultimately dissuaded physicians from prescribing Prevacid 24HR and Prilosec OTC to consumers, from purchasing and consuming Prevacid 24HR and Prilosec OTC, thus depriving physicians and consumers from weighing the true risks against the benefits of prescribing and/or purchasing and consuming Prevacid 24HR and Prilosec OTC.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against the Defendants on each of the above-referenced claims and Causes of Action and as follows:

1. Awarding compensatory damages to Plaintiff for past and future damages, including but not limited to pain and suffering for severe and permanent personal injuries sustained by the Plaintiff, health care costs, medical monitoring, together with interest and costs as provided by law;

2. Punitive and/or exemplary damages for the wanton, willful, fraudulent, reckless acts of the Defendants who demonstrated a complete disregard and reckless indifference for the

safety and welfare of the general public and to the Plaintiff in an amount sufficient to punish Defendants and deter future similar conduct;

3. Awarding Plaintiff reasonable attorneys' fees;

4. Awarding Plaintiff the costs of these proceedings; and

5. Such other and further relief as this Court deems just and proper.

DATED: September 26, 2017

Respectfully submitted,

/s/ *Dae Y. Lee*
Dae Y. Lee (NJS Bar No. 033702012)
BERNSTEIN LIEBHARD LLP
10 East 40th Street
New York, New York 10016
Tel: (212) 779-1414
Fax: (212) 779-3218
Email: dlee@bernlieb.com
Email: jkeller@bernlieb.com
Attorneys for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable.

DATED: September 26, 2017

RESPECTFULLY SUBMITTED,

/s/ Dae Y. Lee
Dae Y. Lee

JS 44 (Rev. 07/16)

CIVIL COVER SHEET

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

I. (a) PLAINTIFFS

Paul Snyder

(b) County of Residence of First Listed Plaintiff Northumberland Co., PA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Bernstein Liebhard LLP
10 East 40th Street, New York, New York 10016
(212) 779-1414

DEFENDANTS

Novartis Corporation et al.

County of Residence of First Listed Defendant Out of Country
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

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

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

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

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

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

CONTRACT
- ❒ 110 Insurance
- ❒ 120 Marine
- ❒ 130 Miller Act
- ❒ 140 Negotiable Instrument
- ❒ 150 Recovery of Overpayment & Enforcement of Judgment
- ❒ 151 Medicare Act
- ❒ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ❒ 153 Recovery of Overpayment of Veteran's Benefits
- ❒ 160 Stockholders' Suits
- ❒ 190 Other Contract
- ❒ 195 Contract Product Liability
- ❒ 196 Franchise

REAL PROPERTY
- ❒ 210 Land Condemnation
- ❒ 220 Foreclosure
- ❒ 230 Rent Lease & Ejectment
- ❒ 240 Torts to Land
- ❒ 245 Tort Product Liability
- ❒ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ❒ 310 Airplane
- ❒ 315 Airplane Product Liability
- ❒ 320 Assault, Libel & Slander
- ❒ 330 Federal Employers' Liability
- ❒ 340 Marine
- ❒ 345 Marine Product Liability
- ❒ 350 Motor Vehicle
- ❒ 355 Motor Vehicle Product Liability
- ❒ 360 Other Personal Injury
- ❒ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ❒ 365 Personal Injury - Product Liability
- ☒ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ❒ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ❒ 370 Other Fraud
- ❒ 371 Truth in Lending
- ❒ 380 Other Personal Property Damage
- ❒ 385 Property Damage Product Liability

CIVIL RIGHTS
- ❒ 440 Other Civil Rights
- ❒ 441 Voting
- ❒ 442 Employment
- ❒ 443 Housing/ Accommodations
- ❒ 445 Amer. w/Disabilities - Employment
- ❒ 446 Amer. w/Disabilities - Other
- ❒ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ❒ 463 Alien Detainee
- ❒ 510 Motions to Vacate Sentence
- ❒ 530 General
- ❒ 535 Death Penalty

Other:
- ❒ 540 Mandamus & Other
- ❒ 550 Civil Rights
- ❒ 555 Prison Condition
- ❒ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ❒ 625 Drug Related Seizure of Property 21 USC 881
- ❒ 690 Other

LABOR
- ❒ 710 Fair Labor Standards Act
- ❒ 720 Labor/Management Relations
- ❒ 740 Railway Labor Act
- ❒ 751 Family and Medical Leave Act
- ❒ 790 Other Labor Litigation
- ❒ 791 Employee Retirement Income Security Act

IMMIGRATION
- ❒ 462 Naturalization Application
- ❒ 465 Other Immigration Actions

BANKRUPTCY
- ❒ 422 Appeal 28 USC 158
- ❒ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ❒ 820 Copyrights
- ❒ 830 Patent
- ❒ 840 Trademark

SOCIAL SECURITY
- ❒ 861 HIA (1395ff)
- ❒ 862 Black Lung (923)
- ❒ 863 DIWC/DIWW (405(g))
- ❒ 864 SSID Title XVI
- ❒ 865 RSI (405(g))

FEDERAL TAX SUITS
- ❒ 870 Taxes (U.S. Plaintiff or Defendant)
- ❒ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ❒ 375 False Claims Act
- ❒ 376 Qui Tam (31 USC 3729(a))
- ❒ 400 State Reapportionment
- ❒ 410 Antitrust
- ❒ 430 Banks and Banking
- ❒ 450 Commerce
- ❒ 460 Deportation
- ❒ 470 Racketeer Influenced and Corrupt Organizations
- ❒ 480 Consumer Credit
- ❒ 490 Cable/Sat TV
- ❒ 850 Securities/Commodities/ Exchange
- ❒ 890 Other Statutory Actions
- ❒ 891 Agricultural Acts
- ❒ 893 Environmental Matters
- ❒ 895 Freedom of Information Act
- ❒ 896 Arbitration
- ❒ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ❒ 950 Constitutionality of State Statutes

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

☒ 1 Original Proceeding ❒ 2 Removed from State Court ❒ 3 Remanded from Appellate Court ❒ 4 Reinstated or Reopened ❒ 5 Transferred from Another District *(specify)* ❒ 6 Multidistrict Litigation - Transfer ❒ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing ***(Do not cite jurisdictional statutes unless diversity)***:
28 U.S.C. 1332(a)

Brief description of cause:
Products Liability Litigation involving Proton Pump Inhibitors

VII. REQUESTED IN COMPLAINT:

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

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ❒ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE Claire C. Cecchi DOCKET NUMBER 1:17-md-2789

DATE 09/26/2017

SIGNATURE OF ATTORNEY OF RECORD /s/ Dae Y. Lee

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE