IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WASHINGTON

BRUCE BECKER, **Plaintiff,** **v.** **NOVARTIS AG, a global healthcare company, and NOVARTIS PHARMACEUTICALS CORPORATION, a Delaware corporation,** **Defendants.**	**Civil Action No.:** **PLAINTIFF'S COMPLAINT** **JURY TRIAL DEMANDED**

COMPLAINT

1. This is an action brought by Plaintiff against Defendants Novartis AG and Novartis Pharmaceuticals Corporation ("NPC") (collectively "Novartis") to recover for injuries resulting from Novartis's intentional failure to warn of dangerous and known risks associated with Tasigna- a Novartis manufactured prescription medication for treatment of chronic myeloid leukemia (CML). Specifically, Novartis failed to warn of risks that Tasigna caused several forms of severe, accelerated and irreversible atherosclerosis-related conditions – i.e., the narrowing and hardening of arteries delivering blood to the arms, legs, heart, and brain. Despite warning doctors and

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patients in Canada of the risks of atherosclerosis-related conditions, Novartis intentionally failed to warn United States doctors and patients of these risks.

2. Plaintiff Bruce Becker, a Washington resident, was prescribed Tasigna to treat his CML. Upon taking Tasigna, Bruce Becker developed stoke. At no time while he was prescribed and took Tasigna did Novartis warn Bruce Becker or his prescribing doctors about the atherosclerosis- related risks Novartis knew were associated with Tasigna. As a proximate result of Bruce Becker's atherosclerosis- related conditions and Novartis's intentional failure to warn of them, Bruce Becker had an stroke at the age of 66.

JURISDICTION AND VENUE

3. This Court has diversity subject matter jurisdiction under 28 U.S.C. §1332 because Plaintiff and Novartis are citizens of different states, and the amount in controversy exceeds $75,000. Specifically, as will be alleged in more detail below Plaintiff is a citizen of the State of Washington, while Novartis AG is a citizen of Switzerland and NPC is a citizen of the States of Delaware and New Jersey. Additionally, the damages that Plaintiff sustained as a result of Novartis's intentional failure to warn of known and serious side effects associated with Tasigna substantially exceeds $75,000.

4. Venue is appropriate in this Court under 28 U.S.C § 1391(a) & (b) because a substantial part of the events and omissions giving rise to this action occurred in this district and because Novartis resides in this district.

5. This Court had personal jurisdiction over both NPC and Novartis AG. This Court has specific jurisdiction over NPC because NPC produced, manufactured, marketed, sold and failed to warn of the risks associated with the very Tasigna pills that injured Bruce Becker, all of which

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were prescribed to, sold to, and ingested by Bruce Becker in Washington State. This Court also has specific jurisdiction over Novartis AG, as NPC functions as Novartis AG's agent in the United States, including Washington and performs functions that are imperative to Novartis AG- i.e., the research, development, marketing, manufacturing, and sale of Novartis-branded drugs, including Tasigna, in the United States. Absent NPC performing these essential services for Novartis AG, Novartis AG's own officials would undertake to perform them. Further, Novartis AG controls the essential activities of NPC, and executes its global strategies in the United States, including Washington, through NPC. Therefore, NPC's contacts with Washington are imputable to Novartis AG. The Court also has specific jurisdiction over Novartis AG based on Novartis AG's own contacts with Washington relating to the development, production, marketing and sale of Novartis-branded drugs, including Tasigna.

THE PARTIES

A. The Plaintiff

6. At all relevant times, including at the time of Bruce Becker's stroke and currently, Plaintiff has been a United States citizens, residing and domiciled in Vancouver, Washington and thus are citizens of the State of Washington.

B. The Defendants

7. Defendant Novartis AG is a global healthcare company incorporated under the laws of Switzerland with its principal place of business in Basel, Switzerland. Therefore, Novartis AG is a citizen of Switzerland. Novartis AG is in the business of researching, developing, manufacturing, producing, marketing and selling pharmaceuticals, including Tasigna. Novartis AG owns and controls hundreds of subsidiaries through

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which it sells pharmaceuticals in more than 180 counties to over 1 billion people worldwide. Novartis AG markets and sells pharmaceuticals, including Tasigna, to patients in the United States through its wholly-owned subsidiary NPC.

8. Defendant NPC is incorporated in Delaware with its principal place of business in East Hanover, New Jersey, and is thus a citizen of the States of Delaware and New Jersey. NPC is a wholly-owned subsidiary of Novartis AG. NPC researches, develops, produces, markets, and sells pharmaceuticals, including Tasigna, in the United States for Novartis AG.

GENERAL ALLEGATIONS

A. Novartis's Aggressive and Illegal Marketing of Tasigna

9. Tasigna is a prescription medication used to treat adults who have CML. CML is a Cancer which starts in blood-forming stem cells of the bone marrow, where a genetic change occurs in the stem cells that form, among other things, most types of white blood cells. Tasigna is part of a group of treatments known as tyrosine-kinase inhibitors (TKIs), which block chemical messengers (enzymes) in the cancer cells called tyrosine kinases, thus inhibiting their growth and division.

10. The first TKI drug – Gleevec- was introduced in 2001, and, like Tasigna, is produced and sold by Novartis. At an annual cost that has more than tripled since it was introduced and is now over $100,000 per patient, Gleevec earned Novartis billions of dollars a year while it maintained patent exclusively. For example, in 2012. Gleevec was Novartis's number one selling drug, generating approximately $4.7 billion for Novartis.

11. Novartis's patent on Gleevec expired on July 4, 2015, and there are currently several

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generic forms of Gleevec on the market, which cost as little as $500 per year.

12. In the years leading up to the expiration of Novartis's patent on Gleevec, Novartis developed Tasigna as a replacement for Gleevec, and began an aggressive campaign to attempt to convince doctors to prescribe, and patients to take, Tasigna over Gleevec. Beginning as early as 2010. Novartis's strategy was, in the words of one senior Novartis executive, to have Tasigna "cannibalize" Gleevec as Gleevec's patent approached expiration. This, the executive said, would "create a fairly large amount of the Gleevec business that will be indirectly protected because it [would be] switched already to Tasigna."

B. Novartis Failed to Warn Americans of Known Risks that Tasigna Causes Atherosclerosis

13. Tasigna causes several dangerous adverse conditions, including several forms of severe accelerated, and irreversible atherosclerosis-related conditions. These atherosclerosis- related conditions include peripheral arterial occlusive disease (hardening and narrowing of arties supplying blood to the legs and arms), coronary atherosclerosis (hardening and narrowing of the arteries supplying blood to the heart), and cerebral and carotid atherosclerosis (hardening and narrowing of the arteries supplying blood to the brain). These conditions are life threatening and lead to amputations, heart attacks, strokes and death.

14. Since at least 2010, Novartis was aware that Tasigna caused severe, accelerated, and irreversible atherosclerosis-related conditions. This knowledge came from several sources, including (1) multiple reports from their clinical investigators (whom Novartis descried as "Key Opinion Leaders") who informed Novartis of patients developing severe and accelerated atherosclerosis-related conditions while on Tasigna, and urged Novartis to warn doctors and patients of these risks (which Novartis refused to do); (2) multiple medical studies and reports

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linking Tasigna to accelerated and sever atherosclerosis; (3) a significantly higher rate of severe atherosclerosis-related conditions occurring among Tasigna patients in a phase 3 randomized clinical trial comparing the efficacy of Tasigna to Gleevec, and (4) information gathered in a Novartis global safety database reporting hundred of cases of patients developing accelerated and severe atherosclerosis-related conditions after taking Tasigna.

15. The clear and alarming link between Tasigna and atherosclerosis prompted a Canadian health agency -Health Canada- to investigate the risks. As a result in April 2013, Novartis issued an advisory to Canadian health care professionals and the Canadian public, which Novartis disseminated though its Canadian channels only, and did not disseminate in the United States. These advisories warned of the risks of atherosclerosis associated with Tasigna and that patients taking Tasigna should be monitored for signs of atherosclerosis-related diseases when taking Tasigna.

16. At or around the same time, Novartis updated its Canadian Product Monograph- the reference document that Canadian health professionals use when prescribing medication- to warn of the risks of atherosclerosis-related diseases. This warning was prominently displayed in a box warning entitled "Serious Warnings and Risks." Novartis warned that the atherosclerosis-related condition could result in death, and that the risks of peripheral arterial occlusive disease, "can be severe, rapidly evolving, and may involve more than one site. Peripheral arterial occlusive disease might require repeated revascularization procedures and can result in complications that may be serious such as limb necrosis and amputations."

17. Despite warning in Canada of the risks of atherosclerosis associated with Tasigna. Novartis did not, during the relevant time period alleged herein, warn United States doctors and patients of those risks. Novartis did not send advisories to the United States public or to United

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States doctors. Nor did Novartis warn of the atherosclerosis-related risks in the United States Tasigna label. Novartis did not warn of risks of developing atherosclerosis on the highlights page of the United States label- including in the box warning, under the "Warnings and Precautions" heading, or under the "Adverse Reaction" heading. Nor did Novartis warn of atherosclerosis-related conditions under Section 5 of the label describing "Warnings and Precautions," under Section 6 describing "serious adverse reactions," or under Section 6.1 describing "Clinical Trial Experience."

18. Novartis's failure to warn United States doctors and patients of the serious risks of developing atherosclerosis-related conditions associated with Tasigna was intentional, and part of an aggressive strategy to sell Tasigna over competing TKI drugs.

C. Bruce Becker Takes Tasigna and Has a Stroke

19. When Bruce Becker was diagnosed with CML, he was prescribed and took Gleevec.

20. Even though he was in major molecular remission at the time, Bruce Becker's treating Oncologist switched him to Tasigna. As described above, at no time before or during the time while Bruce Becker took Tasigna did the Tasigna label warn of the risks of atherosclerosis-related conditions associated with the drug.

21. At the time that Bruce Becker started taking Tasigna, he had no atherosclerosis-related conditions.

22. Upon taking Tasigna and unbeknownst to him, he developed rapidly progressing atherosclerosis in his carotid arteries.

23. As a result, he suffered a stroke at the age of 66.

D. Novartis AG's Control Over NPC

24. At all relevant times, Novartis AG conducted its global operations, and executed its

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global strategies trough coordinated control over its subsidiary companies, which it refers to collectively as Novartis Group. In its annual reports, website, and elsewhere, Novartis AG regularly represents that Novartis AG's business operations are conducted through Novartis Group companies.

25. Accounting for about 40 percent of Novartis AG's annual sales, NPC is one of the most Significant Novartis Group subsidiaries and a key component of Novartis AG's Pharmaceuticals Division. At all relevant times, NPC functioned as Novartis AG's agent in the United States, performing functions that are imperative to Novartis AG – i.e., the research, development, marketing, and sale of Novartis AG, Novartis AG's own officials would undertake to perform them.

26. At all relevant times, Novartis AG exerted a substantial amount of control over NPC.

27. Novartis AGs senior management is directly involved in the management of NPC. For example, Novartis AG's chairman of the board is ultimately responsible for the organization, administration and direction of all Novartis Group, and determines the company's global strategy. At all relevant times, Novartis AG's chairman of the board and/or Novartis AG's CEO also chaired Novartis's Executive Committee ("ECN"), which reports directly to Novartis AG's board, and is responsible for developing and implementing strategies for Novartis Group, as well as overseeing the business operations of all Novartis Group companies, including NPC. Additionally, several of Novartis AG's senior executives serve as senior executives of NPC, where they directly control the business activities of NPC in the United States.

28. Novartis AG controls a significant amount of the day to day operations of NPC. For example, NPC regularly seeks authorization from Novartis AG for approval to enter contracts essential to NPC's business, such as supply and distribution agreements. Further, Novartis AG

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management is directly involved in NPC's business decisions, such as setting production quantities and approving the sale of certain drugs, including Gleevec and Tasigna, and creating and staffing NPC business units, including units responsible for the sale of oncological drugs. Novartis AG executives and spokespersons are also frequently responsible for global communications relating to pharmaceutical products, including Gleevec and Tasigna, and directing communications to doctors, patients, and other members of the public, including those in Washington, via the Novartis AG website.

29. Novartis AG owns virtually every trademark and patent related to the pharmaceuticals that NPC sells for Novartis AG, including the trademarks and patents associated with Gleevec and Tasigna.

30. NPC also performs essential research and development activities in the United States on behalf of Novartis AG. For example, NPC has performed extensive research and development activities pertaining to Tasigna and Gleevec for Novartis AG. Novartis AG funds and directs such research and is substantially involved at all times.

31. In short, NPC is the primary entity though which Novartis AG executes its global strategies in the United States, resulting in about 40 percent of the total annual sales that Novartis AG reports. Thus, NPC's specific jurisdictional contacts with Washington related to this action are imputable to Novartis AG.

36. Through its executives, communications, and other business activities directed at the United States, Novartis AG also had its own specific jurisdictional contacts with Washington relating to the development, production, marketing and sale of the Novartis-branded drugs, including Tasigna.

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CLAIMS FOR RELIEF

COUNT I: STRICT PRODUCTS LIABILITY

37. Plaintiffs re-allege the above allegations as if fully set forth herein.

38. At all relevant times, Novartis was engaged in the business of developing, manufacturing, marketing, promoting, selling and distributing Tasigna throughout the world, including Washington.

39. At all relevant times, despite knowing of risks that Tasigna caused severe, accelerated, and irreversible atherosclerosis-related conditions, and despite warning of such risks in Canada, Novartis failed to warn patients and doctors in the United States- including Washington and the medical professionals that prescribed him Tasigna- of those risks.

40. As a proximate result of Novartis's failure to warn, Bruce Becker developed atherosclerosis-related conditions- including carotid artery disease or stenosis- which conditions proximately cause his stroke.

41. Novartis's failure to property warn of atherosclerosis was intentional. Driven by its desire for Tasigna to dominate the multi-billion dollar TKI market in the wake of Gleevec's patent expiration, Novartis intentionally failed to warn Americans of known risks that Tasigna caused severe, accelerated, and irreversible atherosclerosis-related conditions. Such conduct was wanton- done with an oppressive, fraudulent, or malicious motive and in deliberate and conscious disregard for the health and safety of Bruce Becker and others similarly situated. Novartis has actual knowledge of the wrongfulness of its conduct and the high probability that injury or damage to Bruce Becker and others similarly situated would result and, despite that knowledge, intentionally failed to warn of atherosclerotic- related conditions associated with Tasigna, resulting in his injuries. At the very least, Novartis's conduct was so reckless or wanting in care that it constituted

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a conscious disregard or indifference to the life, safety, or rights of persons exposed to such conduct, including Bruce Becker. Therefore, Plaintiffs' are entitled to an award of punitive damages against Novartis.

WHEREFORE, Plaintiffs respectively request judgment against Defendants as set forth below.

COUNT II: NEGLIGENCE

42. Plaintiffs re-allege the above allegations as if fully set forth herein.

43. Novartis had a duty to exercise reasonable care in warning about the health and safety risks it knew or reasonably should have known were associated with Tasigna. Novartis breached this duty of care by failing to reasonably warn of the risk that Tasigna caused atherosclerosis-related conditions.

44. As a proximate result of Novartis's failure to warn, Bruce Becker developed atherosclerosis-related conditions- including carotid artery disease or stenosis- which conditions proximately caused his stroke.

45. Novatris's failure to property warn of atherosclerosis was intentional. Driven by its desire for Tasigna to dominate the multi-billion dollar TKI market in the wake of Gleevec's patent expiration, Novartis intentionally failed to warn Americans of known risks that Tasigna caused severe, accelerated, and irreversible atherosclerosis-related conditions. Such conduct was wanton- done with an oppressive, fraudulent, or malicious motive and in deliberate and conscious disregard for the health and safety of Bruce Becker and others similarly situated. Novartis has actual knowledge of the wrongfulness of its conduct and the high probability that injury or damage to Bruce Becker and other similarly situated would result and, despite that knowledge, intentionally

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failed to warn of atherosclerotic-related conditions associated with Tasigna, resulting in Bruce Becker's injures. At the very least, Novartis's conduct was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety or rights of persons exposed to such conduct, including Bruce Becker. Therefore, Plaintiffs are entitled to an award of punitive damages against Novartis.

WHEREFORE, Plaintiffs respectively request judgment against Defendants as set forth below.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendants, awarding Plaintiffs any and all damages available to Plaintiffs under the law, including but not limited to:

1. General damages according to proof;

2. Medical and incidental expenses according to proof:

4. For pain and suffering and emotions distress according to proof;

5. Punitive and exemplary damages sufficient to punish and make an example of each Defendant's according to proof;

6. Plaintiffs' reasonable attorney's fees and costs;

7. For any other relief this Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a jury trial for all issues so triable in this action.

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DATED: February 26, 2018

Respectfully submitted,

/s/ Charles T. Paglialunga
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ELIAS, GUTZLER, & SPICER, LLC
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/s/ Greg G. Gutzler, *Pro Hac to be filed*
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JS 44 (Rev. 06/17)

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
Bruce Becker

DEFENDANTS
Novartis Pharmaceuticals Corporation and Novartis A.G.

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

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

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

Paglialunga & Harris, PS
1001 Fourth Avenue, Suite 3200, Seattle, WA 98154

Attorneys *(If Known)*

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

- ❒ 1 U.S. Government Plaintiff
- ❒ 2 U.S. Government Defendant
- ❒ 3 Federal Question *(U.S. Government Not a Party)*
- ☒ 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)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
❒ 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	❒ 625 Drug Related Seizure of Property 21 USC 881	❒ 422 Appeal 28 USC 158	❒ 375 False Claims Act
❒ 120 Marine	❒ 310 Airplane	❒ 365 Personal Injury - Product Liability	❒ 690 Other	❒ 423 Withdrawal 28 USC 157	❒ 376 Qui Tam (31 USC 3729(a))
❒ 130 Miller Act	❒ 315 Airplane Product Liability	☒ 367 Health Care/ Pharmaceutical Personal Injury Product Liability		PROPERTY RIGHTS	❒ 400 State Reapportionment
❒ 140 Negotiable Instrument	❒ 320 Assault, Libel & Slander	❒ 368 Asbestos Personal Injury Product Liability		❒ 820 Copyrights	❒ 410 Antitrust
❒ 150 Recovery of Overpayment & Enforcement of Judgment	❒ 330 Federal Employers' Liability	PERSONAL PROPERTY	LABOR	❒ 830 Patent	❒ 430 Banks and Banking
❒ 151 Medicare Act	❒ 340 Marine	❒ 370 Other Fraud	❒ 710 Fair Labor Standards Act	❒ 835 Patent - Abbreviated New Drug Application	❒ 450 Commerce
❒ 152 Recovery of Defaulted Student Loans (Excludes Veterans)	❒ 345 Marine Product Liability	❒ 371 Truth in Lending	❒ 720 Labor/Management Relations	❒ 840 Trademark	❒ 460 Deportation
❒ 153 Recovery of Overpayment of Veteran's Benefits	❒ 350 Motor Vehicle	❒ 380 Other Personal Property Damage	❒ 740 Railway Labor Act	SOCIAL SECURITY	❒ 470 Racketeer Influenced and Corrupt Organizations
❒ 160 Stockholders' Suits	❒ 355 Motor Vehicle Product Liability	❒ 385 Property Damage Product Liability	❒ 751 Family and Medical Leave Act	❒ 861 HIA (1395ff)	❒ 480 Consumer Credit
❒ 190 Other Contract	❒ 360 Other Personal Injury		❒ 790 Other Labor Litigation	❒ 862 Black Lung (923)	❒ 490 Cable/Sat TV
❒ 195 Contract Product Liability	❒ 362 Personal Injury - Medical Malpractice		❒ 791 Employee Retirement Income Security Act	❒ 863 DIWC/DIWW (405(g))	❒ 850 Securities/Commodities/ Exchange
❒ 196 Franchise				❒ 864 SSID Title XVI	❒ 890 Other Statutory Actions
				❒ 865 RSI (405(g))	❒ 891 Agricultural Acts
					❒ 893 Environmental Matters
					❒ 895 Freedom of Information Act
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	IMMIGRATION	FEDERAL TAX SUITS	❒ 896 Arbitration
❒ 210 Land Condemnation	❒ 440 Other Civil Rights	Habeas Corpus:	❒ 462 Naturalization Application	❒ 870 Taxes (U.S. Plaintiff or Defendant)	❒ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
❒ 220 Foreclosure	❒ 441 Voting	❒ 463 Alien Detainee	❒ 465 Other Immigration Actions	❒ 871 IRS—Third Party 26 USC 7609	❒ 950 Constitutionality of State Statutes
❒ 230 Rent Lease & Ejectment	❒ 442 Employment	❒ 510 Motions to Vacate Sentence			
❒ 240 Torts to Land	❒ 443 Housing/ Accommodations	❒ 530 General			
❒ 245 Tort Product Liability	❒ 445 Amer. w/Disabilities - Employment	❒ 535 Death Penalty			
❒ 290 All Other Real Property	❒ 446 Amer. w/Disabilities - Other	Other:			
	❒ 448 Education	❒ 540 Mandamus & Other			
		❒ 550 Civil Rights			
		❒ 555 Prison Condition			
		❒ 560 Civil Detainee - Conditions of Confinement			

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 USC 1332

Brief description of cause:
Failure to warn

VII. REQUESTED IN COMPLAINT:

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

DEMAND $ 75,000.00

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

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE
02/26/2018

SIGNATURE OF ATTORNEY OF RECORD
s/ Charles T. Paglialunga

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

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

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

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

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

II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below**; NOTE: federal question actions take precedence over diversity cases.**)

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

IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.

V. **Origin.** Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statue.

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

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

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

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

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Washington

Bruce Becker

Plaintiff(s)

v.

Novartis Pharmacuticles Corporation and Novartis A.G.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Novartis AG
Lichtstrasse 35
CH-4056
Basel, Switzerland

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Charles T. Paglialunga
Paglialunga & Harris, PS
1001 Fourth Avenue, Suite 3200
Seattle, WA 98154

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____ was received by me on *(date)* _____ .

❒ I personally served the summons on the individual at *(place)* _____ on *(date)* _____ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* _____ , a person of suitable age and discretion who resides there, on *(date)* _____ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* _____ , who is designated by law to accept service of process on behalf of *(name of organization)* _____ on *(date)* _____ ; or

❒ I returned the summons unexecuted because _____ ; or

❒ Other *(specify):*

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc:

Print Save As... Reset

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Washington

Bruce Becker *Plaintiff(s)* v. Novartis Pharmacuticals Corporation and Novartis A.G. *Defendant(s)*	)	Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Novartis Pharmaceuticals Corporation
Corporation Service Company
1201 Hays Street
Tallahassee, FL 32301

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Charles T. Paglialunga
Paglialunga & Harris, PS
1001 Fourth Avenue, Suite 3200
Seattle, WA 98154

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

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❒ I served the summons on *(name of individual)* _____ , who is designated by law to accept service of process on behalf of *(name of organization)* _____ on *(date)* _____ ; or

❒ I returned the summons unexecuted because _____ ; or

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I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc:

Print Save As... Reset