

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

IN RE: VIAGRA (SILDENAFIL CITRATE)
AND CIALIS (TADALAFIL) PRODUCTS
LIABILITY LITIGATION

Case No.: 3:16-md-02691-RS
MDL No. 2691

Case No:

George Houck

Master Short Form Complaint

Plaintiff(s)

v.

Eli Lilly and Company, Pfizer Inc.

Defendant(s)

Plaintiff(s), incorporates by reference the Plaintiffs’ Master Long Form Complaint(s) filed with United States District Court for the Northern District of California in the matter of *In re: Viagra (Sildenafil Citrate) and Cialis (Tadalafil) Products Liability Litigation*. Plaintiff(s) further show the court as follows:

1. Defendant(s) against whom Complaint is made:

- a. Eli Lilly and Company
- b. Pfizer Inc.
- c. Other (specify Defendant) _____

2. Plaintiff’s Full Name:

- a. _____ George Houck _____

3. Name of the party or deceased who ingested Viagra/Revatio (sildenafil citrate) (hereinafter “Viagra”) and/or Cialis/Adcirca (tadalafil) (hereinafter “Cialis”) and suffered injury, if different than Plaintiff:

- a. _____ N/A _____

1 4. Name of additional or other Plaintiff, including loss of consortium Plaintiff(s) (i.e.
2 administrator, executor, guardian, conservator):

3 a. N/A

4 5. Plaintiff's current city and state of residence:

5 a. Boynton Beach, FL

6 6. District Court in which venue would be proper absent direct filing:

7 a. United States District Court for the Southern District of Florida

8 7. City and state of Plaintiff or Decedent when he/she was diagnosed with melanoma:

9 a. Boynton Beach, FL

10 8. Approximate dates that the Plaintiff or Decedent ingested Viagra (if applicable):

11 a. Start date: 3/8/2011

12 b. Stop date: 3/4/2013

13 9. Approximate dates that the Plaintiff or decedent ingested Cialis (if applicable):

14 a. Start date: 9/8/2009

15 b. Stop date: 11/10/2014

16 10. Date(s) that Plaintiff was diagnosed with melanoma which he/she alleges was caused by
17 Viagra and/or Cialis:

18 a. 4/15/2015

19 11. Date of death of Decedent, if applicable:

20 a. N/A

21 12. Master Complaint Adopted (check one or both):

22 a. Pfizer Master Complaint

23 b. Eli Lilly Master Complaint

24 13. Counts in the Master Complaint(s) brought by Plaintiff(s):

25 a. Count 1 (Negligence):

26 b. Count 2 (Gross Negligence):

27 c. Count 3(Negligence Per Se):

- 1 d. Count 4 (Unfair and Deceptive Trade Practices: Unfairness) X
- 2 e. Count 5 (Unfair and Deceptive Trade Practices: Fraud) X
- 3 f. Count 6 (Unfair and Deceptive Trade Practices: Unlawfulness) X
- 4 g. Count 7 (Strict Liability – Defective Design): X
- 5 h. Count 8 (Strict Liability – Failure to Warn): X
- 6 i. Count 9 (Failure to Test): X
- 7 j. Count 10 (Breach of Express Warranty): X
- 8 k. Count 11 (Breach of Implied Warranty): X
- 9 l. Count 12 (Fraudulent Misrepresentation and Concealment): X
- 10 m. Count 13 (Negligent Misrepresentation and Concealment): X
- 11 n. Count 14 (Fraud and Deceit): X
- 12 o. Count 15 (Willful, Wanton, and Malicious Conduct): X
- 13 p. Count 16 (Unjust Enrichment): X
- 14 q. Count 17 (Loss of Consortium): _____
- 15 r. Count 18 (Survival): _____
- 16 s. Count 19 (Wrongful Death): _____
- 17 t. Count 20 (Punitive Damages): X
- 18 u. Other: _____

19 14. Jury Demand

20 a. Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff(s) hereby demand a trial
21 by jury as to all claims in this action: Yes X No ____

23 Dated this the 2nd day of April , 2018 .

24 Respectfully submitted on behalf of the Plaintiff(s),

26 /s/ Michael B. Lynch
27 Signature

28 Michael B. Lynch (SBN 219214)

1 THE MICHAEL BRADY LYNCH FIRM
2 127 West Fairbanks Avenue, Suite 528
3 Winter Park, Florida 32789
4 Telephone: (877) 513-9517
5 Facsimile: (321) 972-3568

6 /s/ Levi Plesset
7 Signature

8 Levi Plesset (SBN 296039)
9 MILSTEIN JACKSON FAIRCHILD & WADE, LLP
10 10250 Constellation Blvd., 14th Floor
11 Los Angeles, CA 90067
12 Telephone: (888) 835-8055
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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

George Houck

DEFENDANTS

Eli Lilly and Company, Pfizer Inc.

(b) County of Residence of First Listed Plaintiff Palm Beach County, FL (EXCEPT IN U.S. PLAINTIFF CASES)

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

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

Attorneys (If Known)

(c) Attorneys (Firm Name, Address, Email and Telephone Number) Michael B. Lynch, The Michael Brady Lynch Firm 127 West Fairbanks Ave., #528, Winter Park, FL 32789 michael@mblynchfirm.com; (877) 513-9517

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)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

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

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Real Property, Labor, etc.

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, 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

Brief description of cause: PROD. LIAB., STRICT LIAB., NEGL., BREACH OF WARRANTIES, FRAUD, NEGL. MISREP.

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: X Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE Hon. Richard Seeborg DOCKET NUMBER 3:16-md-02691

DATE 04/02/2018 SIGNATURE OF ATTORNEY OF RECORD /s/ Michael B. Lynch

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE