

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

<p>MITCHELL GREENBAUM, D.O., And MARIA GREENBAUM, D.O., Husband and Wife,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">-vs-</p> <p>JOHNSON & JOHNSON CO., a Foreign corporation, JOHNSON & JOHNSON CONSUMER, INC., a Foreign corporation, JOHNSON & JOHNSON SERVICES, INC., a Foreign corporation, JANSSEN PHARMACEUTICALS, INC., a Foreign corporation, JANSSEN ORTH, LLC, A Foreign limited liability corporation, and JANSSEN RESEARCH & DEVELOPMENT, LLC, a Foreign limited liability company corporation, Jointly and Severally,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No.:</p> <p>Judge</p> <p><u>COMPLAINT WITH JURY DEMAND</u></p> <p>Trial Counsel:</p> <p>Robert M. Scott (0006643) Lafferty, Gallagher & Scott, LLC 116 W. William Street Maumee, OH 43537 (419) 241-5500 (419) 245-3849 (Facsimile) rscott@lgslaw.net</p> <p>Scott W. Rooney (P42282) NEMES ROONEY, P.C. 26050 Orchard Lake Rd., Ste. 300 Farmington Hills, MI 48334 P: (248) 442-3300 F: (248) 442-3319 scott@nemesassociates.com</p> <p>Attorneys for Plaintiffs</p>
---	--

COMPLAINT AND JURY DEMAND

NOW COME Plaintiffs, Mitchell Greenbaum, D.O. and Maria Greenbaum, D.O., Husband and Wife (hereinafter referred to as Plaintiff Greenbaum), and for their cause of action against the Defendants, each and everyone of them, jointly and severally, state as follows:

I. JURISDICTION

1. This Court has jurisdiction as a result of diversity of citizenship of the Plaintiff and Defendants in this matter.
2. At all times pertinent hereto, Plaintiffs, Mitchell Greenbaum and Maria Greenbaum were and are residents of the State of Ohio.
3. At all times herein, Defendant, Johnson & Johnson Co., is a foreign corporation licensed to do business in the State of New Jersey and conducting business in the State of Ohio in the sale and distribution of products including, but not limited to, the drug known under the brand name, Invokana.
4. At all times pertinent hereto, Johnson & Johnson Consumer, Inc., is a foreign corporation licensed to do business in the State of Ohio and is the holding company for subsidiaries of Johnson & Johnson Co., including those manufacturing, selling and distributing pharmaceuticals; including Invokana.
5. At all times herein, Johnson Services, Inc. was and is a foreign corporation, not licensed in the State of Ohio, but upon information and belief conducting such business in the sale and distribution of Johnson & Johnson products, including Invokana, in the State of Ohio.
6. The above-named Defendant, Janssen Pharmaceuticals, Inc. is a foreign corporation licensed to do and doing business in the State of Ohio which business is the development, manufacture, sale, and distribution of drugs, including Invokana.

7. Defendants, Janssen Orth, LLC and Janssen Research & Development, LLC are foreign limited liability companies, not licensed in Ohio, but upon information and belief, doing business in the State of Ohio and were involved in the research, development and distribution of the pharmaceutical known as Invokana.
8. That the respective Defendants are hereinafter collectively referred to as “Janssen Defendants”.
9. That this Court has jurisdiction under 28 USC §1332 as there exists diversity of citizenship of the Plaintiffs and the respective Janssen Defendants as the Janssen Defendants are all foreign corporations and the Plaintiffs, Mitchell and Maria Greenbaum, are residents of the State of Ohio.
10. This Court further has jurisdiction under 28 USC §1332 as the amount in controversy exceeds the sum of Seventy-Five Thousand (\$75,000.00) Dollars, exclusive of interest, costs and attorney fees.

II. PARTIES

11. Plaintiffs hereby incorporate by reference hereto all prior and subsequent paragraphs as if the same were repeated herein paragraph by paragraph and word for word.
12. Plaintiffs, Mitchell and Maria Greenbaum were and are residents of the State of Ohio and are a married couple.
13. Plaintiff Mitchell Greenbaum was and is a medical doctor and practices in the area of obstetrics.

14. Plaintiff, Mitchell Greenbaum, was and is at all times married to the Plaintiff, Maria Greenbaum.
15. Janssen Defendants are at all times pertinent herein the parties involved in the research, development, manufacture, marketing and distribution of pharmaceuticals, and specifically, the medication known as Invokana.
16. That the Janssen Defendants were and are involved in the supplying of Invokana to the public through advertising, marketing, and distribution of the drug within the State of Ohio.
17. The Janssen Defendants are at all times herein the entities that conducted all testing on the efficacy of the Invokana drug, and supplied or failed to supply all relevant data to the Food and Drug Administration (FDA) regarding the dangers and risks to patients, including the Plaintiff, Mitchell Greenbaum, in using said drug and as such are liable to the Plaintiffs for all economic, non-economic, and punitive damages herein.

III. FACTS

18. Plaintiff incorporates by reference hereto all prior paragraphs as if the same were repeated herein paragraph by paragraph and word for word.
19. Invokana is also known as canagliflozin.
20. Plaintiff, Mitchell Greenbaum was a physically active and healthy adult when in 2016 he was prescribed the Janssen Defendants' drug Invokana.
21. Plaintiff, Mitchell Greenbaum suffered from diabetes mellitus and hypertension, but neither such condition affected his ability to perform his everyday activities.

22. Janssen Defendants' drug Invokana is a drug within a new class of drugs as of 2013 known as sodium-glucose co-transporter 2(SGLT2) inhibitors.
23. The drug Invokana was developed and marketed to treat Type II diabetes.
24. Invokana was designed, manufactured and marketed by the Janssen Defendants to help diabetes sufferers reduce excess blood sugar by working to block the reabsorption of glucose in the kidneys, and instead, it increased glucose excretion through urination.
25. Upon information and belief, Janssen Defendants became aware as early as 2013 of safety concerns regarding the cardiovascular risk of Invokana.
26. That Janssen Defendants, upon information and belief, came to have knowledge prior to the Plaintiff being prescribed the medication that early studies showed a 46% increase in risk of stroke with the use of the medication and a 7-fold increased in the risk of heart attack or other cardiovascular event in the first 30-days of usage.
27. Insulin is used in the body to transport sugar from the blood into cells to be used as an energy source.
28. When blood is filtered by the kidneys, glucose is conserved in the body and stored for future use.
29. Patients, such as the Plaintiff, Mitchell Greenbaum, cannot adequately move sugar from the blood into the cells and often have excessively high blood glucose levels due to lack of insulin production, amongst other causes.
30. The Janssen Defendants, upon information and belief, designed and formulated the Invokana such that instead of excess sugar being conserved

or stored in the blood, it is released into the urine. By releasing the sugar/glucose into the urine, the kidneys are caused to release larger quantities of water causing blood cells to become over concentrated.

31. The overconcentration of the cells leads to clotting in the bloodstream as occurred to the Plaintiff.
32. Myocardial infarction occurs when blood vessels supplying the heart with oxygenated blood are blocked.
33. Plaintiff, Mitchell Greenbaum suffered a myocardial infarction on August 29, 2016 in Lucas County, Ohio.
34. That in 2013, FDA ordered a study as part of Invokana' s clinical trials which study disclosed a significant increase in the risk of heart attack to users of the medication, a significant risk increase which was never divulged by the Janssen Defendants to the Plaintiff or other similarly situated users.
35. Such results of the study were never provided to the Plaintiffs or others similarly situated, especially those with a previous history of hypertension.
36. That on August 29, 2018, while operating his vehicle in Lucas County, Ohio and stopped at a light, Plaintiff suffered a myocardial infarction causing him to suffer hypoxia and was brought back by the use of life-saving medical care at the scene.
37. That within the six months previous to the cardiac arrest, the Plaintiff was prescribed and taking Invokana.

38. That upon information and belief the Invokana taken by the Plaintiff increased the development of clotting, causing Left Anterior Descending Artery (LAD) occlusion and thereby causing the cardiac arrest.

39. As a result of the cardiac myocardial infarction/cardiac arrest, the Plaintiff suffered emotional distress and economic damage, including loss of income, medical expenses for care and treatment and pain and suffering.

40. Plaintiff, Maria Greenbaum, as the duly and lawfully married spouse of Mitchell Greenbaum, also suffered loss of the use, services, society and consortium of her husband due to the injuries and damages he suffered.

WHEREFORE, the Plaintiffs seek damages as against the Defendants in excess of Seventy-Five Thousand (\$75,000.00) Dollars, exclusive of interest, costs, and attorney fees, or in an amount deemed fair, just and adequate compensation by a jury.

COUNT I – DEFECTIVE MANUFACTURE, DESIGN OR FORMULATION
AND/OR FAILURE TO CONFORM TO MANUFACTURER'S
REPRESENTATION

41. Plaintiff incorporates by reference hereto all prior paragraphs as if the same were repeated herein paragraph by paragraph and word for word.

42. This matter is brought pursuant to Ohio law, including R.C. 2307.71 et. seq.

43. Janssen Defendants were at all times prior to August 29, 2016, involved in the design, formulation, manufacture, and implementation of the drug Invokana.

44. Janssen Defendants in such capacity above, knew or should have known that Invokana would increase the risk of cardiac arrest by increasing the

clotting factor in the body of users, thereby causing cardiac arrest such as that suffered by the Plaintiff, Mitchell Greenbaum.

45. Janssen Defendants had a duty to the public and the Plaintiff to manufacture, formulate, design and create a drug which would not adversely increase the risk of cardiac arrest in users, especially given the fact that some users foreseeably may have a prior history of hypertension.
46. Janssen Defendants had a duty to manufacture, formulate, design and create a drug that would not so adversely increase the risk of foreseeable injury, that being cardiac arrest, when the drug was being used for its intended purpose.
47. Janssen Defendants failed to recognize the risk of increased clotting and cardiac arrest, or intentionally chose not to recognize said risk, which constitutes both negligence and intentional misconduct.
48. That a reasonable manufacturer would not have manufactured, designed, formulated or supplied to the market a product it knew would cause increased clotting and lead to cardiac arrest in persons prescribed the medication such as the Plaintiff.
49. That Invokana was defective in its formulation, manufacture, and design such that it causes an increase in clotting and thereby a resulting increase in cardiac arrest as experienced by the Plaintiff.
50. That the acts and omissions of the Janssen Defendants in manufacturing, designing, developing and formulating this product was the proximate cause of the Plaintiff's injury.

51. That as a proximate result of the actions of the Janssen Defendants, the Plaintiff suffered cardiac arrest necessitating resuscitation and causing injury and damage as set forth above.

52. That as a proximate result of the actions of the Janssen Defendants, the Plaintiff, Maria Greenbaum has suffered a loss of consortium as set forth above.

WHEREFORE, the Plaintiffs seek damages as against the Defendants in excess of Seventy-Five Thousand (\$75,000.00) Dollars, exclusive of interest, costs, and attorney fees, or in an amount deemed fair, just and adequate compensation by a jury.

COUNT II – SUPPLIER LIABILITY

53. Plaintiff incorporates by reference hereto all prior paragraphs as if the same were repeated herein paragraph by paragraph and word for word.

54. Janssen Defendants at all times supplied into the marketplace a product, Invokana, that the Defendants knew or should have known was defective and labelled and packaged the drug knowing that the same increased the risk of cardiac arrest.

55. Janssen Defendants as suppliers owed a duty to the Plaintiff and the public not to supply, distribute, label and package a product it knew would be placed in the stream of commerce and consumed by the public, including the Plaintiff, that was defective and/or would create such an increase in the risk of cardiac arrest and lead to cardiac arrest in users, including the Plaintiff herein.

56. Janssen Defendants breached said duty above when it supplied its product into the stream of commerce when it knew or should have known it would cause permanent injury and damage, including that suffered by the Plaintiff.

57. Janssen Defendants negligent and intentional acts and omissions as identified above were the proximate cause of the cardiac arrest suffered by Plaintiff, Mitchell Greenbaum, D.O.

58. That as a proximate result of the actions of the Janssen Defendants, the Plaintiff, Maria Greenbaum, has suffered a loss of consortium as set forth above.

WHEREFORE, the Plaintiffs seek damages as against the Defendants in excess of Seventy-Five Thousand (\$75,000.00) Dollars, exclusive of interest, costs, and attorney fees, or in an amount deemed fair, just and adequate compensation by a jury.

COUNT III – INADEQUATE WARNING OR INSTRUCTION

59. Plaintiff incorporates by reference hereto all prior paragraphs as if the same were repeated herein paragraph by paragraph and word for word.

60. Janssen Defendants at all times pertinent hereto created and supplied the warnings and instructions on the drug product Invokana that were supplied to the public and the Plaintiff.

61. Janssen Defendants owed certain duties and obligations to the public and the Plaintiff including, but not limited to:

- A. Marketing and warning that the product results in an unreasonable increase in the likelihood of cardiac arrest;

- B. Instructing doctors and users of the product of the unreasonable increase in risk of cardiac arrest;
- C. Providing to the FDA and the public knowledge that Defendants were aware of the increased risk of cardiac arrest;
- D. To provide post-marketing warnings which advise and inform the public and the Plaintiff of the unreasonable increase risk of harm due to cardiac arrest by using the drug; and
- E. Such others and obligations as may be identified throughout the course of discovery

62. Janssen Defendants breached each and every one of the aforementioned duties above in the following manner; including, but not limited to:

- A. In marketing and failing to warn the public of a product Defendants knew or should have known had an unreasonable increased risk of cardiac arrest;
- B. Failing to instruct doctors and users, including the Plaintiff, of the unreasonable increase in the risk of cardiac arrest;
- C. Failing to provide to the FDA and the public knowledge that the Defendants were aware of the unreasonable increase in the risk of cardiac arrest;
- D. Failing to provide post-marketing warnings once Defendants became aware of the unreasonable increase in the risk of cardiac arrest; and
- F. Such other breaches as may be identified in the course of discovery.

63. That the Janssen Defendants as manufacturers and suppliers failed to provide adequate post-marketing warnings as a reasonable manufacturer would do, and failed to exercise reasonable care in light of the likelihood that the product, Invokana, can cause harm of the type that the Plaintiff seeks recovery for in this matter.
64. Janssen Defendants acts and omissions, both negligent and/or intentional, were the proximate cause of the injury and damage sustained by the Plaintiff, Mitchell Greenbaum, D.O.
65. That but for the acts and omissions of the Janssen Defendants herein, the Plaintiffs would not have suffered the economic and non-economic damages incurred by Plaintiff's cardiac arrest.
66. That as a proximate result of the actions of the Janssen Defendants, the Plaintiff, Maria Greenbaum, has suffered a loss of consortium as set forth above.

WHEREFORE, the Plaintiffs seek damages as against the Defendants in excess of Seventy-Five Thousand (\$75,000.00) Dollars, exclusive of interest, costs, and attorney fees, or in an amount deemed fair, just and adequate compensation by a jury.

COUNT III – EXEMPLARY/PUNITIVE DAMAGES

67. Plaintiff incorporates by reference hereto all prior paragraphs as if the same were repeated herein paragraph by paragraph and word for word.
68. Janssen Defendants herein at all times owed a duty to the public and the Plaintiff to not act in such a manner as to reflect a flagrant disregard of the safety of persons who may be harmed by using Invokana.

69. Janssen Defendants breached the above duty and obligations by distributing and marketing a product, Invokana that the Defendants knew or should have known had an unreasonably high risk of harm to users, including, but not limited to the Plaintiff, Mitchell Greenbaum.
70. Janssen Defendants breached the duties as set forth above when it failed to undertake a method that would provide proper and adequate post-marketing warnings to doctors prescribing the product and users, including the Plaintiff herein, knowing long before the Plaintiff started using the medication that there existed a dangerous and unreasonable increased risk of cardiac arrest.
71. Janssen Defendants, upon information and belief, profited from the decision not to warn and its decision to not provide post-marketing warnings to those who prescribe the Invokana and those who use Invokana which warnings should have advised of the unreasonable increase in the risks of cardiac arrest.
72. Janssen Defendants acts and omissions constitute a flagrant disregard of the safety of persons whom the Defendants knew or should have known would be harmed by the drug.
73. Janssen Defendants knew or should have known prior to 2016 that the drug Invokana had an unreasonable increased risk of causing cardiac arrest and failed to warn the Plaintiff or others similarly situated and prescribers thereof, thus proximately causing injury and damage herein.
74. Plaintiffs are entitled to punitive and/or exemplary damages under Ohio law for the acts and omissions of the Janssen Defendants.

75. Plaintiffs have suffered economic and non-economic damages as set forth above as a result of the flagrant acts of the Defendants.

WHEREFORE, the Plaintiffs seek damages as against the Defendants in excess of Seventy-Five Thousand (\$75,000.00) Dollars, exclusive of interest, costs, and attorney fees, or in an amount deemed fair, just and adequate compensation by a jury.

Respectfully submitted,

s/ Robert M. Scott

Robert M. Scott (0006643)
Lafferty, Gallagher & Scott, LLC
116 W. William Street
Maumee, OH 43537
(419) 241-5500
(419) 245-3849 (Facsimile)
rscott@lgslaw.net

s/ Scott W. Rooney

Scott W. Rooney (P42282)
NEMES ROONEY, P.C.
26050 Orchard Lake Rd., Ste. 300
Farmington Hills, MI 48334
P: (248) 442-3300
F: (248) 442-3319
scott@nemesassociates.com

Dated: August 28, 2018

DEMAND FOR JURY TRIAL

NOW COME Plaintiffs, Mitchell Greenbaum, D.O. and Maria Greenbaum, D.O., Husband and Wife (hereinafter referred to as Plaintiff Greenbaum), by and through their counsel, and hereby demand a trial by jury.

Respectfully submitted,

s/ Robert M. Scott

Robert M. Scott (0006643)
Lafferty, Gallagher & Scott, LLC
116 W. William Street
Maumee, OH 43537
(419) 241-5500
(419) 245-3849 (Facsimile)
rscott@lqslaw.net

s/ Scott W. Rooney

Scott W. Rooney (P42282)
NEMES ROONEY, P.C.
26050 Orchard Lake Rd., Ste. 300
Farmington Hills, MI 48334
P: (248) 442-3300
F: (248) 442-3319
scott@nemesassociates.com

Dated: August 28, 2018

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.)

<p>I. (a) PLAINTIFFS Mitchell Greenbaum, DO 2607 Grayfor Curve Toledo, OH 43617</p> <p>(b) County of Residence of First Listed Plaintiff <u>Lucas</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) Robert M. Scott (0006643) Lafferty, Gallagher & Scott, LLC 116 W. William Street, Maumee, OH 43537</p>	<p>DEFENDANTS Johnson & Johnson Co. One Johnson & Johnson Plaza New Brunswick, NJ 08933</p> <p>County of Residence of First Listed Defendant <u>Middlesex</u> (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
---	--

<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width:100%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%;"><input checked="" type="checkbox"/> 1</td> <td style="width:10%;"><input type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business in This State</td> <td style="width:10%;"><input type="checkbox"/> 4</td> <td style="width:10%;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4														
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 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
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
REAL PROPERTY	CIVIL RIGHTS	LABOR	PROPERTY RIGHTS	SOCIAL SECURITY
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
	PRISONER PETITIONS	IMMIGRATION	FEDERAL TAX SUITS	FEDERAL TAX SUITS
	<input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 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):
USC 1332

Brief description of cause:
Pharmaceutical Product Liability Claim

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 8-27-18 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

I. Civil Categories: (Please check one category only).

- 1. General Civil
- 2. Administrative Review/Social Security
- 3. Habeas Corpus Death Penalty

*If under Title 28, §2255, name the SENTENCING JUDGE: _____

CASE NUMBER: _____

II. **RELATED OR REFILED CASES.** See LR 3.1 which provides in pertinent part: "If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the Civil Cover Sheet."

This action: is RELATED to another PENDING civil case is a REFILED case was PREVIOUSLY REMANDED

If applicable, please indicate on page 1 in section VIII, the name of the Judge and case number.

III. In accordance with Local Civil Rule 3.8, actions involving counties in the Eastern Division shall be filed at any of the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.

ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.

(1) **Resident defendant.** If the defendant resides in a county within this district, please set forth the name of such county

COUNTY:

Corporation For the purpose of answering the above, a corporation is deemed to be a resident of that county in which it has its principal place of business in that district.

(2) **Non-Resident defendant.** If no defendant is a resident of a county in this district, please set forth the county wherein the cause of action arose or the event complained of occurred.

COUNTY: Lucas

(3) **Other Cases.** If no defendant is a resident of this district, or if the defendant is a corporation not having a principle place of business within the district, and the cause of action arose or the event complained of occurred outside this district, please set forth the county of the plaintiff's residence.

COUNTY:

IV. The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section III, please check the appropriate division.

EASTERN DIVISION

AKRON

(Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas and Wayne)

CLEVELAND

(Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake, Lorain, Medina and Richland)

YOUNGSTOWN

(Counties: Columbiana, Mahoning and Trumbull)

WESTERN DIVISION

TOLEDO

(Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca VanWert, Williams, Wood and Wyandot)

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 statute.
- 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. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

_____)	
<i>Plaintiff</i>)	
)	
v.)	Civil Action No.
)	
_____)	
<i>Defendant</i>)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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.

SANDY OPACICH, 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 \$ _____ .

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:

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

_____)	
<i>Plaintiff</i>)	
)	
v.)	Civil Action No.
)	
_____)	
<i>Defendant</i>)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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.

SANDY OPACICH, 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 \$ _____.

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:

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

_____)	
<i>Plaintiff</i>)	
)	
v.)	Civil Action No.
)	
_____)	
<i>Defendant</i>)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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.

SANDY OPACICH, 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 \$ _____ .

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:

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

_____)	
<i>Plaintiff</i>)	
)	
v.)	Civil Action No.
)	
_____)	
<i>Defendant</i>)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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.

SANDY OPACICH, 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 \$ _____ .

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:

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

_____)	
<i>Plaintiff</i>)	
)	
v.)	Civil Action No.
)	
_____)	
<i>Defendant</i>)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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.

SANDY OPACICH, 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 \$ _____.

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:

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

_____)	
<i>Plaintiff</i>)	
)	
v.)	Civil Action No.
)	
_____)	
<i>Defendant</i>)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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.

SANDY OPACICH, 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 \$ _____.

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: