#### UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

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

MDL No. 2789 (CCC) (MF)

This document relates to:

James Rieder v. AstraZeneca Pharmaceuticals LP et al Civil Action No. 2:19-cv-00850

# SECOND AMENDED SHORT FORM COMPLAINT AND JURY DEMAND

The Plaintiff(s) n a m e d b e l o w file(s) this Second Amended Short Form Complaint and Jury Demand against Defendants named below by and through their undersigned counsel and as permitted by Case Management Order No. 7. Plaintiff(s) incorporate(s) by reference the allegations contained in *Plaintiffs' Master Long Form* Complaint and Jury Demand in In re: Proton-Pump Inhibitor Products Liability Litigation, MDL 2789, in the United States District Court for the District of New Jersey pursuant to Case Management Order No. 7.

In addition to those causes of action contained in *Plaintiffs' Master Long Form Complaint and Jury Demand*, where certain claims require specific pleadings and/or amendments, Plaintiff(s) shall add and include them herein.

#### **IDENTIFICATION OF PARTIES**

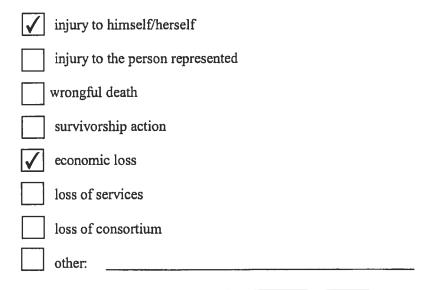
#### Identification of Plaintiff(s)

Consortium Claim(s): The following individual(s) allege damages for loss of consortium:

- 3. Survival and/or Wrongful Death Claims:
  - a. Plaintiff, \_\_\_\_\_\_, is filing this case in a representative capacity as the \_\_\_\_\_\_ of the Estate of \_\_\_\_\_\_, deceased.

b. Survival Claim(s): The following individual(s) allege damages for survival claims, as permitted under applicable state laws:

4. As a result of using PPI Products, Plaintiff/Decedent suffered pain and suffering, emotional distress, mental anguish, and personal and economic injur(ies) that are alleged to have been caused by the use of the PPI Products identified in Paragraph 10, below, but not limited to the following:



### **Identification of Defendants**

Plaintiff(s)/Decedent is/are suing the following Defendant(s) (please check all that apply):

	Abbott Laboratories
$\checkmark$	AstraZeneca Pharmaceuticals LP
$\checkmark$	AstraZeneca LP
	GlaxoSmithKline Consumer Healthcare Holdings (US) LLC
$\checkmark$	Merck & Co. Inc. d/b/a Merck, Sharp & Dohme Corporation
	Novartis Corporation
	Novartis Pharmaceutical Corporation
	Novartis Vaccines and Diagnostics, Inc.
	Novartis Institutes for Biomedical Research, Inc.
	Novartis Consumer Health, Inc.
	Pfizer, Inc.
	The Procter & Gamble Company
	The Procter & Gamble Manufacturing Company
	Takeda Pharmaceuticals U.S.A., Inc.
	Takeda Pharmaceuticals America, Inc.
	Takeda Development Center Americas, Inc. f/k/a Takeda Global Research & Development Center, Inc.
	Takeda Pharmaceutical Company Limited
	Other(s) Defendant(s) (please identify):

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#### JURISDICTION & VENUE

### Jurisdiction:

- 6. Jurisdiction in this Short Form Complaint is based on:
  - $\checkmark$

Diversity of Citizenship

Other (The basis of any additional ground for jurisdiction must be pled in

sufficient detail as required by the applicable Federal Rules of Civil Procedure).\_\_\_\_

#### Venue:

7. District Court(s) in which venue was proper where you might have otherwise filed

this Short Form Complaint absent Case Management Order No. 7 entered by this Court and/or to where remand could be ordered: Southern District of Ohio

## CASE SPECIFIC FACTS

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8.	Plaintiff(s)	) currently	v reside(s	) in (	(City.	State):	Columbus, C	JH

9. To the best of Plaintiff's knowledge, Plaintiff/Decedent used PPI Product(s) during the following time period: March 2010 to February 2015

10. Plaintiff/Decedent used the following PPI Products, for which claims are being

asserted:

	Dexilant
$\checkmark$	Nexium
	Nexium 24HR

Prevacid

Prevacid 24HR

	Prilosec
	Prilosec OTC
	Protonix
$\square$	Other (List All):

11. The injuries suffered by Plaintiff/Decedent as a result of the use of PPI Products include, among others that will be set forth in Plaintiff's discovery responses and medical

records:

	Acute Interstitial Nephritis (AIN)
	Acute Kidney Injury (AKI)
$\checkmark$	Chronic Kidney Disease (CKD)
	End Stage Renal Disease (ESRD)
	Dialysis
	Death
	Other(s) (please specify):

12. At the time of the Plaintiff's/Decedent's diagnosis of injury, Plaintiff/Decedent resided in (City, State): Columbus, OH

## **CAUSES OF ACTION**

13. Plaintiff(s), again, hereby adopt(s) and incorporate(s) by reference the *Master* Long Form Complaint and Jury Demand as if fully set forth herein.

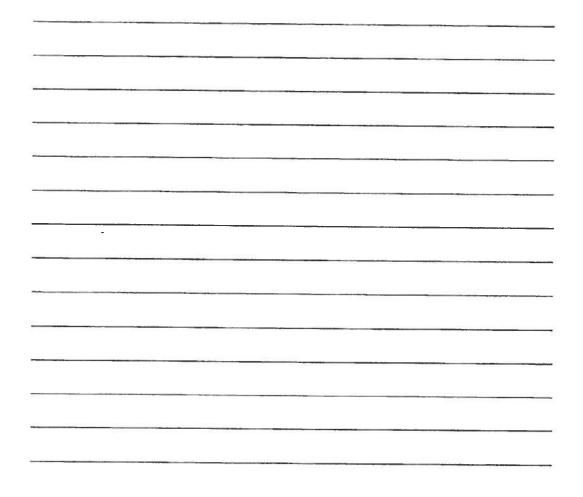
14. The following claims and allegations asserted in the Master Long Form

Complaint and Jury Demand are herein more specifically adopted and incorporated by

reference by Plaintiff(s) please check all that apply):

$\checkmark$	Count I: Strict Product Liability		
$\checkmark$	Count II: Strict Product Liability – Design Defect		
$\checkmark$	Count III: Strict Product Liability – Failure to Warn		
$\checkmark$	Count IV: Negligence		
$\checkmark$	Count V: Negligenc Per Se		
$\checkmark$	Count VI: Breach of Express Warranty		
$\checkmark$	Count VII: Breach of Implied Warranty		
$\checkmark$	Count VIII: Negligent Misrepresentation		
$\checkmark$	Count IX: Fraud and Fraudulent Misrepresentation		
$\checkmark$	Count X: Fraudulent Concealment		
$\checkmark$	Count XI: Violation of State Consumer Protection Laws of the State(s) of:		
	Count XII: Loss of Consortium		
	Count XIII: Wrongful Death		
	Count XIV: Survival Action		
	Furthermore, Plaintiff(s) assert(s) the following additional theories and/or		
of Action against Defendant(s) identified in Paragraph five (5) above. If Plaintiff(s)			

Causes of Action against Defendant(s) identified in Paragraph five (5) above. If Plaintiff(s) includes additional theories of recovery, to the extent they require specificity in pleadings, the specific facts and allegations supporting these theories must be pled by Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure:



WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants of compensatory damages, punitive damages, interest, costs of suit and such further relief as the Court deems equitable and just, and as set forth in the *Master Long Form Complaint and Jury Demand*, as appropriate.

#### JURY DEMAND

Plaintiff(s) hereby demand a trial by jury as to all claims in this action. 01/21/2019
Dated: .

Respectfully Submitted,

/s/ James J. Rosemergy

Attorney, Esq./Pro se Litigant name Law Firm Name (if applicable) Mailing Address Phone: Fax: Email: