

IN RE : COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY
REGLAN[®]/METOCLOPRAMIDE :
LITIGATION : JANUARY TERM, 2010
: NO. 1997
This Document Relates to All Cases :

DOCKETED
COMPLEX LIT CENTER

APR 16 2010

J. STEWART

CASE MANAGEMENT ORDER NO. 4
(REVISED CMO NO. 1 – SHORT FORM COMPLAINT AND SERVICE OF PROCESS)

I. SCOPE OF THIS ORDER

This Case Management Order shall govern all cases that are presently pending or hereafter filed in the Philadelphia Court of Common Pleas which become part of the program of coordinated pretrial proceedings relating to the prescription drug Reglan[®] (“Reglan”) and/or metoclopramide, (the “Reglan[®]/metoclopramide Litigation”). Specifically, this Order attaches the agreed upon Short Form Complaint and revises the Service of Process Section of Case Management Order No. 1.

II. PLAINTIFF’S SHORT FORM COMPLAINT

As discussed more fully in Section III of Case Management Order No. 1, the agreed upon form of the Short Form Complaint is attached hereto as Exhibit “A.”

III. SERVICE OF PROCESS

A. This Section replaces Section VI of Case Management Order No. 1 related to Service of Process.

1. To eliminate disputes over service of process and to reduce the expense of such service, Defendants have agreed to waive the normal legal requirements for service of process in the Coordinated Actions. Instead, Defendants have agreed to accept service

In Re: Reglan Litigation-ORDER



10010199700010

of process for Reglan®/metoclopramide products liability cases filed in the Philadelphia Court of Common Pleas through service, by certified mail upon the following:

<p>Defendant Wyeth LLC</p> <p>Wyeth LLC c/o The Corporation Trust Company 820 Bear Tavern Road West Trenton, NJ 08628</p>	<p>Defendant Wyeth Pharmaceuticals Inc.</p> <p>Wyeth Pharmaceuticals Inc. c/o The Corporation Trust Company 820 Bear Tavern Road West Trenton, NJ 08628</p>
<p>Defendant Schwarz Pharma, Inc.</p> <p>Henninger S. Bullock, Esquire MAYER BROWN LLP 1675 Broadway New York, NY 10019</p>	<p>Defendant Alaven Pharmaceutical LLC</p> <p>Henninger S. Bullock, Esquire MAYER BROWN LLP 1675 Broadway New York, NY 10019</p>
<p>Defendant Teva Pharmaceuticals USA, Inc.</p> <p>Ms. Jennifer Fuller-Ricciardi Teva Pharmaceuticals USA, Inc. 425 Privet Road P.O. Box 1005 Horsham, PA 19044</p>	<p>Defendant PLIVA, Inc.</p> <p>Ms. Jennifer Fuller-Ricciardi 425 Privet Road P.O. Box 1005 Horsham, PA 19044</p>
<p>Defendant Barr Pharmaceuticals, LLC (f/k/a Barr Pharmaceuticals, Inc.)</p> <p>Ms. Jennifer Fuller-Ricciardi 425 Privet Road P.O. Box 1005 Horsham, PA 19044</p>	<p>Defendant Barr Laboratories, Inc.</p> <p>Ms. Jennifer Fuller-Ricciardi 425 Privet Road P.O. Box 1005 Horsham, PA 19044</p>
<p>Defendant Duramed Pharmaceuticals, Inc. (n/k/a Teva Women's Health, Inc.)</p> <p>Ms. Jennifer Fuller-Ricciardi 425 Privet Road P.O. Box 1005 Horsham, PA 19044</p>	<p>Defendant UDL Laboratories, Inc.</p> <p>Bill Rodgers Mylan, Inc. 1500 Corporate Drive Suite 400 Canonsburg, PA 15317</p>

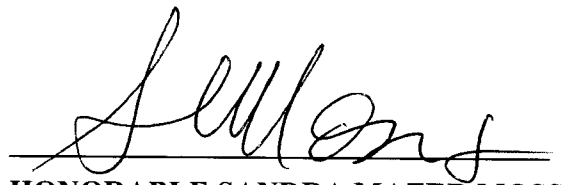
<p>Defendant Actavis Elizabeth LLC</p> <p>Walter "Pete" Swayze, III, Esquire SEGAL, MCCAMBRIDGE, SINGER & MAHONEY, LTD. 30 South 17th Street, Suite 1700 Philadelphia, PA 19103</p>	<p>Defendant Baxter Healthcare Corporation</p> <p>Baxter Healthcare Corporation c/o CT Corporation System 1635 Market St. Philadelphia PA 19103</p>
<p>Defendant Qualitest Pharmaceuticals, Inc.</p> <p>John Mullen, Esquire NELSON LEVINE DE LUCA & HORST, LLC 518 Township Line Road, Suite 300 Blue Bell, PA 19422</p>	<p>Defendant Vintage Pharmaceuticals, Inc.</p> <p>John Mullen, Esquire NELSON LEVINE DE LUCA & HORST, LLC 518 Township Line Road, Suite 300 Blue Bell, PA 19422</p>
<p>Defendant The Harvard Drug Group LLC d/b/a Major Pharmaceuticals</p> <p>C. David Miller, II, Esquire GARAN LUCOW MILLER, P.C. 1000 Woodbridge Street Detroit, MI 48207-3192.</p>	<p>Defendant Wockhardt USA/Morton Grove Pharmaceuticals</p> <p>Robert E. O'Malley, Esquire SEGAL, MCCAMBRIDGE, SINGER & MAHONEY, LTD. 233 S. Wacker Drive Sears Tower - Suite 5500 Chicago, IL 60606</p>
<p>Defendant United Research Laboratories, Inc.</p> <p>Geoffrey Coan, Esquire Kathleen Kelly, Esquire WILSON ELSER 260 Franklin Street, 14th Floor Boston, MA 02110</p>	<p>Defendant Mutual Pharmaceutical Company, Inc.</p> <p>Geoffrey Coan, Esquire Kathleen Kelly, Esquire WILSON ELSER 260 Franklin Street, 14th Floor Boston, MA 02110</p>
<p>Defendant Watson Laboratories, Inc.</p> <p>Michael Plata, Esquire Joseph Lagrotteria, Esquire LECLAIR RYAN One Riverfront Plaza 1037 Raymond Boulevard, Sixteenth Floor Newark, NJ 07102</p>	<p>Defendant ANIP Acquisition Company a/k/a ANIP Pharmaceuticals a/k/a ANI Pharmaceuticals a/k/a A & I Pharmaceuticals</p> <p>Philip D. Priore, Esquire Stephen M. McManus, Esquire MCCORMICK & PRIORE, P.C. 4 Penn Center, Suite 800 1600 John F. Kennedy Boulevard Philadelphia, PA 19103</p>

<p>Defendant Beach Products, Inc.</p> <p>Daniel J. McCarthy, Esquire MINTZER SAROWITZ ZERIS LEDVA & MEYERS L.L.P. 1500 Market Street Suite 4100 Philadelphia, PA 19102</p>	<p>Defendant Pharmaceutical Associates, Inc.</p> <p>Daniel J. McCarthy, Esquire MINTZER SAROWITZ ZERIS LEDVA & MEYERS L.L.P. 1500 Market Street Suite 4100 Philadelphia, PA 19102</p>
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2. A copy of each notice transmitted to any defendant in the foregoing manner shall be provided via email to Defense Liaison Counsel, Henninger S. Bullock, (hbullock@mayerbrown.com). Service will be effective only if addressed as above. If the same address and/or service agent is listed above for multiple Defendants, the mailing should be sent separately and clearly marked as to which entity is intended to be served on the outside of the mailing. General mailing to any Defendant will not be sufficient to effect service. Service will be effective ten (10) days after mailing in accordance with this Section. The foregoing procedure shall apply to Reglan®/metoclopramide products liability cases filed in the Philadelphia Court of Common Pleas and not to any other litigation. Defendants reserve all other rights available to them under federal or state law and under applicable treaties and conventions.

3. Service upon all Defendants not discussed in the chart above must be effectuated in accordance with the Pennsylvania Rules of Civil Procedure.

SO ORDERED


HONORABLE SANDRA MAZER MOSS

Date: 4/16, 2010

EXHIBIT A

PA PLAINTIFF ATTORNEY NAME
ID No. _____

PA PLAINTIFF ATTORNEY ADDRESS
PA PLAINTIFF ATTORNEY PHONE #
PA PLAINTIFF ATTORNEY FAX #
PA PLAINTIFF ATTORNEY EMAIL
Attorney for Plaintiff

IN RE : COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY
REGLAN/METOCLOPRAMIDE :
LITIGATION :
: JANUARY TERM, 2010
: NO. 01997

<i>PLAINTIFF NAME</i>	§	
<i>PLAINTIFF ADDRESS</i>	§	
	§	
<i>Plaintiff(s),</i>	§	
	§	
	§	TERM, 20
v.	§	NO.
	§	
Defendants, as indicated below.	§	"REGLAN®/METOCLOPRAMIDE"
	§	CASE
<i>Defendant(s).</i>	§	

NOTICE TO PLEAD

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaints or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Philadelphia Bar Association
Lawyer Referral and Information
One Reading Center
Philadelphia, Pennsylvania
(215) 238-1701

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo a partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

Asociación De Licenciados De Filadelfia
Servicio De Referencia E Información legal
One Reading Center
Filadelfia, Pennsylvania 19107
(215) 238-1701

CIVIL ACTION SHORT FORM COMPLAINT

1. Pursuant to Case Management Order No. 1 in the *In re Reglan[®]/metoclopramide Litigation*, Case No. 1997, January Term 2010, the Court of Common Pleas, Philadelphia County, Plaintiff(s) by the undersigned counsel, hereby submit this Short Form Complaint (“Short Form”) against Defendants, indicated below, for equitable relief, monetary restitution, and/or compensatory and punitive damages, and, adopts and incorporates by reference those allegations in the Plaintiffs’ Master Long Form Complaint, filed March 18, 2010, contained in Paragraphs 1 through 238, and any and all amendments thereto.

Plaintiff(s) selects and indicates by checking off/and or completing the appropriate spaces, those products, parties and claims that are specific to his or her case.

2. Plaintiff(s) who are parties to this civil action are identified as follows:

a. Plaintiff, _____ [*insert name of Reglan[®]/metoclopramide ingesting Plaintiff*], is a citizen and resident of _____ County in the State of _____, and claims damages as set forth below.

[*Insert Subparagraph (b) if necessary*]

b. Plaintiff, _____ [*insert name of “non-Reglan[®]/metoclopramide ingesting Plaintiff”*], the Plaintiff’s [*applicable relationship to Plaintiff*]. spouse, child, personal representative of the Estate, or other [please describe], is a citizen and resident of _____ County in the State of _____, and claims damages as set forth below.

3. Plaintiff(s) allege that, pursuant to Pa.R.C.P. 1006, the Court of Common Pleas of Philadelphia County, Pennsylvania, is the proper venue for trial of this civil action.

4. Plaintiff asserts that the ingestion of brand name Reglan[®] and/or generic metoclopramide product(s) caused his/her injury [applicable product].

<u>Product</u>	<u>Manufacturer</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

5. Plaintiff, _____ ingested Reglan[®] and/or metoclopramide from, on or about _____ [*Insert month and year of first ingestion*] to, on or about _____ [*Insert month and year of last ingestion*].

6. The Reglan[®]/metoclopramide ingesting Plaintiff was diagnosed with the following injury(s) [applicable conditions]:

Diagnosis

- Tardive Dyskinesia
- Dystonia
- Akathisia
- Neuroleptic Malignant Disorder
- Chorea
- Restless Leg Syndrome
- Parkinson's disease or syndrome

Diagnosis

- Extrapyrarnidal symptoms (or EPS)
- Dementia
- Epilepsy
- Tremor
- Suicidal Ideation
- Aggregation of pre-existing condition
- Death
- Financial Loss
- Emotional injury
- Other: _____

7. The following entity is named as Defendant herein and the allegations with regard thereto in the Long-Form Complaint are herein adopted by reference.

Brand Name Defendants

- WYETH LLC
- WYETH PHARMACEUTICALS, INC.
- PFIZER INC.
- SCHWARZ PHARMA INC.
- SCHWARZ PHARMA AG
- UCB GmbH
- ALAVEN PHARMACEUTICAL LLC
- WOCKHARDT USA
- MORTON GROVE PHARMACEUTICALS, INC.
- BAXTER HEALTHCARE CORPORATION

Other: _____

Generic Defendants

- TEVA PHARMACEUTICALS USA, INC., INDIVIDUALLY AND D/B/A IVAX PHARMACEUTICALS
- TEVA PHARMACEUTICAL INDUSTRIES, LTD.
- PLIVA, INC.
- PLIVA D.D.
- BARR PHARMACEUTICALS, LLC F/K/A BARR PHARMACEUTICALS, INC.
- BARR LABORATORIES, INC.
- DURAMED PHARMACEUTICALS, INC.
- QUALITEST PHARMACEUTICALS, INC.
- THE HARVARD DRUG GROUP LLC, INDIVIDUALLY AND D/B/A MAJOR PHARMACEUTICALS, INC.
- PHARMACEUTICAL ASSOCIATES, INC.
- BEACH PRODUCTS INC.
- UNITED RESEARCH LABORATORIES, INC.
- MUTUAL PHARMACEUTICAL COMPANY, INC.
- SILARX PHARMACEUTICALS, INC.
- SANDOZ, INC.
- ANIP ACQUISITION COMPANY A/K/A ANIP PHARMACEUTICALS A/K/A ANI PHARMACEUTICALS A/K/A A & I PHARMACEUTICALS
- WATSON LABORATORIES, INC.
- RUGBY PHARMACEUTICALS, INC. A/K/A RUGBY LABORATORIES, INC.
- ACTAVIS ELIZABETH LLC, INDIVIDUALLY AND D/B/A PUREPAC PHARMACEUTICALS

- ACTAVIS GROUP HF
- APP PHARMACEUTICALS, LLC, INDIVIDUALLY AND D/B/A
ABRAXIS PHARMACEUTICALS
- AMNEAL PHARMACEUTICALS, LLC
- BEDFORD LABORATORIES
- HOSPIRA INC.
- IPCA PHARMACEUTICALS INC.
- MCKESSON CORPORATION, INDIVIDUALLY AND D/B/A
NORTHSTAR RX LLC
- NORTHSTAR RX LLC
- RUGBY LABORATORIES, INC.
- NORBROOK INC. USA
- SMITH & NEPHEW INC.
- VISTAPHARM, INC.
- ROXANE LABORATORIES, INC.
- USL PHARMA, INC.
- PAR PHARMACEUTICAL INC.
- HALSEY DRUG, LLC, INDIVIDUALLY AND D/B/A HALSEY DRUG
CO., INC.
- SUPERPHARM, INC.
- PACO PHARMACEUTICAL SERVICES, INC.
- VINTAGE PHARMACEUTICALS LLC
- SCHERING CORPORATION
- RANBAXY PHARMACEUTICALS, INC.

IVAX PHARMACEUTICALS, INC.

Other: _____

Other Relevant Defendants

Other: _____

8. Plaintiff(s) further adopt and incorporate by reference the following Claims for Relief asserted in the "Plaintiffs' Long Form Master Complaint" filed March 18, 2010 and as amended (claims are against all relevant defendants identified above, unless otherwise indicated) [applicable liability theories]:

COUNT I - Strict Liability: Failure to Warn against [All Defendants or *Insert Specific Defendants*]

COUNT II - Strict Liability: Design Defect against [All Defendants or *Insert Specific Defendants*]

COUNT III - Negligence against [All Defendants or *Insert Specific Defendants*]

COUNT IV - Negligence *per se* against [All Defendants or *Insert Specific Defendants*]

COUNT V - Fraud and Intentional Misrepresentation against [All Defendants or *Insert Specific Defendants*]

COUNT VI - Constructive Fraud against [All Defendants or *Insert Specific Defendants*]

COUNT VII - Breach of Implied Warranty(s) against [All Defendants or *Insert Specific Defendants*]

COUNT VIII - Unfair and Deceptive Trade Practices Act against [All Defendants or *Insert Specific Defendants*]

COUNT IX - Unjust Enrichment against [All Defendants or *Insert Specific Defendants*]

COUNT X - Negligent Misrepresentation against [All Defendants or *Insert Specific Defendants*]

COUNT XI - Civil Conspiracy against [All Defendants or *Insert Specific Defendants*]

COUNT XII- Loss of Consortium against [All Defendants or *Insert Specific Defendants*]

COUNT XIII- Wrongful Death against [All Defendants or *Insert Specific Defendants*]

COUNT XIV- Survival Action against [All Defendants or *Insert Specific Defendants*]

COUNT XV- Gross Negligence/Malice against [All Defendants or *Insert Specific Defendants*]

COUNT XVI- Punitive Damages against [All Defendants or *Insert Specific Defendants*]

[Insert Paragraph # 9 if necessary]

9. Plaintiff(s) allege the following against the Other Defendants named: *[Insert causes of action against Non-Drug Company Defendants]*

10. Plaintiff(s) request trial by jury.

WHEREFORE, Plaintiff(s) request that the Court grant them the following relief against Defendants, jointly and severally, on all counts of this Short Form, including:

- (A) Money Damages representing fair, just and reasonable compensation for their respective common law and statutory claims;
- (B) Punitive and/or Treble Damages pursuant to state law;
- (C) Disgorgement of profits and restitution of all costs;
- (D) Attorneys' fees pursuant to state law;
- (E) Pre-judgment and post-judgment interest as authorized by law on the judgments which enter on Plaintiffs' behalf;
- (F) Costs of suit; and
- (G) Such other relief as is deemed just and appropriate.

THE PLAINTIFF(S),

By: _____
PA PLAINTIFF ATTORNEY NAME
ID No. _____

PA PLAINTIFF ATTORNEY ADDRESS
PA PLAINTIFF ATTORNEY PHONE #
PA PLAINTIFF ATTORNEY FAX #
PA PLAINTIFF ATTORNEY EMAIL

VERIFICATION

I, *insert name of PA counsel*, attorney for Plaintiff, verify that plaintiff is outside the jurisdiction of the Court and verification of the plaintiff cannot be obtained within the time allowed for filing the pleading. I further verify that the statements made in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

By: _____

Insert Name of PA Counsel
ATTORNEY FOR PLAINTIFF