

GEE, JAMES A GENTRY, IRENE M §
GILBERT, REGINA GILCREST, §
CURTIS A GILLIAM, MICHAEL R §
GLASS, KENNETH A GOLDIE, §
CAROLYN S GOODE, TRACEY I §
GOODSON, LUTRICIA B GORDON, §
DORIS E GORDON, NANCY GREEN, §
SHIRLEY M GREEN, ALICE D §
GRIFFIN, JOSEPH D HAMILTON, §
RODNEY D HAMILTON, FRANCES §
A. HAMMOND, TOWANDA §
HAMPTON, JAMES T HARMON, §
ROSE A HARPER, JACKIE D §
HARRIS, REALLOR HARRIS, §
VIRGINIA HARRIS, CAROLYN R §
HARRIS, WERNETTA O HARRIS, §
PAULA D HENDERSON, ANDREIA M §
HENNINGS, DOROTHY A HENRY, §
BABY M HERNANDEZ, SANDRA R §
HILL, JOSEPH E HODGES, §
RUDOLFO C HOLGUIN, JIMMY W §
HOPPER, PATRICIA A JARRARD, §
ROGER L JOHNSON, JAMES G §
JOHNSON, JENNIFER JOHNSON, §
LA'NEQUA JOHNSON, BARBARA §
JONES, GAIL H JONES, RICHARD B §
JONES, RICKY L JONES, VERNELLE §
E KEY, CONNIE M KLEIN, §
GABRIELLA LADANYI, STEVIE J §
LAWHORN, GWENDOLYN §
LAWSON, LINDSAY LEE, JOHN D §
LEMAR, MIRIAM C LEWIS, §
ROBERTA LIAS, LAVERN §
LOCKHART, JOE LOETHER, §
HECTOR E LONGORIA, MICHAEL J §
LOPEZ, SARAH R LOVIN, §
JAQUELYN MANNERS, LESA A §
MANN, RONALD V MARTIN, §
CYNTHIA M MCCASLIN, GARRY S §
MCCUTCHEON, HARRY L §
MCDANIEL, WILLIAM M §
MCDERMOTT, NANCY L §
MCKEEVER, JANICE M MCKINNEY, §
CYNTHIA MCREAKEN, CAROL A §
MEADOWS-ONEAL, DONNA F §
MICHL, VANESSA MOODY, JAMES §

D MOORE, MILDRED L MOREMAN, §
DECKRICE L MORRISSEY, LOUISE §
W MOSS, BRENDA A MULLINS, §
JAMES NEWSOME, LARRY E §
PALEN, SUSAN B PATEL, LASHAWN §
N PATRICK, PAULA R PAUL, §
JANICE S PEARSON, TANITA W. §
PERDUE, TERRI PEREZ, YOLANDA §
PEREZ, JAMES L PIERCE, PALIUS D §
PITTS, JANET L POOLE, NICHELLE §
D POWELL, MICHAEL A PRATER, §
CHARLES H. PRICE, KENNY §
PUCKETT, DIANA G §
QUESENBERRY, PATRICK B QUINN, §
RICHARD A RADDATZ, GERARD §
RAMIREZ, SHERI REYES, OCELIA §
D RICHARDSON, MARY RIVERS, §
PATRICIA RIVERS, JESSICA D §
ROBBINS, DORIS B ROBERTS, JACK §
D ROBINETTE, SHARON A ROBLES, §
ISABELLA S ROGERS, ELAINE §
ROLAND, SARA G ROMERO, §
VERESSA C ROSSER, RON L §
RUTLEDGE, MARY F SALINAS, §
PAUL G SALYER, LUANNA §
SATTEWHITE, TERRY P SAULS, §
PATTIE S SAXTON, REBECCA §
SCHERER, MARTHA M SCHILL, §
JERRY SCOTT, MARIANE D SCUTT, §
KAREN F. SELFRIDGE, RAYMOND T §
SEPULVEDA, ALBERT B SHEALY, §
BIFF L SHEPPARD, MELANIE C §
SHEPPARD, DOROTHY J §
SHINHOLSTER, DESIRE'E J SIKES, §
VIRGINIA L SIMPSON, KIMBERLY J §
SIZEMORE, GARY P SKIDMORE, §
ELIZABETH J SMITH, CHERRYL L §
SMITH, RUTH SMITH, ALBERTA G §
SOOD, LETHA M SPRINGER, §
THOMAS E STEELE, ROBERT C §
STILLS, LARRY J STINSON, JESSE J §
STROY, SAMANTHA A STUMPF, §
RITA L STURGUES, LINDA S §
TERRELL, LINDA K THOMAS, AMY §
THOMAS, THERESA THOMPSON, §
KATHLEEN J TILLEY, FRANK L §

TILLMAN, DORIS F TODD, EDWARD §
 E TOLBERT, LOUISE C TUCKER, §
 LARRY N UPCHURCH, ROBERT P §
 VAN HOOSE, LISA VANCE, KELLY §
 L WADE, TERESA R WALLACE, §
 MARIAN WASHINGTON, RULETTA §
 WATSON, DEBRA WEAVER, §
 REGINA WELCH, ROBERT W §
 WELLS, CARL WEST, FRANK §
 WESTBROOK, PAUL U WHIDBY, §
 RODNEY P WHITEHEAD, MARY S §
 WILLARD, WILLIAM E WILLIAMS, §
 ROBERT L WILLIAMS, KATRINA §
 WILLIAMS, CYNTHIA C WILLIAMS, §
 ANN M WILMOTH, ROBERT A §
 WINGARD, HEATHER A WOLFE, §
 EDNA M WOLFORD, BUFUS §
 WOODS, BRIAN A WOODS, ANGELA §
 BACON, INDIVIDUALLY AND AS §
 REPRESENTATIVE OF THE ESTATE §
 OF THOMAS E WRIGHT (DEC.), §
 REGINALD R WRIGHT, DORALEE D §
 WYMAN, PEGGY S YELEY, §
 Plaintiffs, §

vs. §

ASTRAZENECA LP, ASTRAZENECA §
 PHARMACEUTICALS LP, KBI SUB §
 INC., ASTRAZENECA AB, ASTRA §
 USA, INC., ASTRAZENECA R&D §
 BOSTON, ASTRAZENECA R&D §
 WILMINGTON, and ASTRAZENECA §
 PLC, §
 Defendants. §

PLAINTIFFS' ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Plaintiffs (hereinafter collectively referred to as "Plaintiff" or "Plaintiffs"),
 complaining of the Defendants listed below, and for cause of action would respectfully show
 unto the Court and the Jury the following:

I. INTRODUCTION

1. This is a civil action brought on behalf of Plaintiffs regarding personal injury damages which occurred as a result of Plaintiffs' ingestion of the prescription drug, Seroquel, also known as Quetiapine Fumarate (hereinafter referred to as "Seroquel"). Seroquel was manufactured, marketed, distributed and sold to Plaintiffs by Defendants and/or its representatives.

II. PARTIES

A. PLAINTIFFS

2. Plaintiffs are individuals who currently reside in, and are citizens of, the following U.S. States:

LIST OF PLAINTIFFS (1-241)

	First Name	Middle Initial	Last Name	State of Domicile
1	James	I	Adams	IL
2	William	M	Adkins	CA
3	Cecil	R	Allred	SC
4	Janet	L	Atkinson	SC
5	Bernadette	M	Baemmert	WI
6	Karen	S	Bailey	WV
7	Denise		Baker	CA
8	Timothy		Baker	OH
9	Amy	L	Ballengee	WV
10	Rebecca		Barrow	GA
11	Forest	E	Beane	WV
12	Rebecca	W	Bejarano	CA
13	Larry		Bethea	WI
14	Willa	F	Bias	WV
15	Willie	M	Billingsley	CA
16	Geraldine		Bonner	GA
17	Dezzie	D	Boykin	CA
18	Shamika	S	Brock	GA
19	Daniel		Brooks	TN
20	Jennifer	E	Brooks	WV
21	Emogene		Brown	WV
22	Doris	J	Brown	WV
23	Michael		Brown	NM
24	Deirdra	J	Brown	GA
25	Larry	D	Brumfield	WV

26	Anne		Bukowski	IL
27	Jerrold	D	Bulla	IL
28	Cassandra	A	Burnett	GA
29	Nancy	A	Byington	CA
30	Charles	S	Cadle	WV
31	Martha	A	Call	WV
32	Angela	J	Camp	CA
33	James		Cantrell	OH
34	Lance	C	Cantrell	SC
35	Gina	A	Castro	CA
36	Joanne	L	Clay	WV
37	Linda	K	Clements	GA
38	Deborah	A	Cody	WV
39	Sandra		Collier	GA
40	Bessie		Connor	SC
41	Duane		Crawford	CA
42	Glenn	L	Culbert	IA
43	Edith		Cummings	WI
44	James		Daniel	WI
45	Sandra		Daphney	GA
46	Lloyd	D	Davis	CA
47	Linda	V	De La Cueva	CA
48	Annette		Dean	CA
49	Phillip	C	Dillon	WV
50	Javier	F	Dominguez	SC
51	Sharon		Dotson	WV
52	Bobby	G	Duvall	GA
53	Christine	R	Eady	SC
54	Kim	M	Edge	CA
55	Shawna	R	Edwards	CA
56	Julie	E	Everard	WI
57	Evelyn	M	Ferguson	CA
58	Dave	D	Ferrel	WI
59	Sonya	N	Ferst	GA
60	Thomas	L	Fields	SC
61	Max	D	Frank	OH
62	Damon	L	French	IL
63	Herman	D	Fryer	GA
64	Jeanie	J	Gartman	SC
65	Yvonne	E	Gates	SC
66	Nancy	E	Gee	CA
67	Kemmon	M	Gee	WI
68	James	A	Gentry	IL
69	Irene	M	Gilbert	WI
70	Regina		Gilcrest	SC
71	Curtis	A	Gilliam	KY
72	Michael	R	Glass	WI
73	Kenneth	A	Goldie	CA
74	Carolyn	S	Goode	WV
75	Tracey	I	Goodson	SC

76	Lutricia	B	Gordon	GA
77	Doris	E	Gordon	WV
78	Nancy		Green	GA
79	Shirley	M	Green	CA
80	Alice	D	Griffin	GA
81	Joseph	D	Hamilton	OH
82	Rodney	D	Hamilton	KY
83	Frances	A.	Hammond	MI
84	Towanda		Hampton	KY
85	James	T	Harmon	CA
86	Rose	A	Harper	GA
87	Jackie	D	Harris	CA
88	Reallor		Harris	GA
89	Virginia		Harris	GA
90	Carolyn	R	Harris	MO
91	Wernetta	O	Harris	MO
92	Paula	D	Henderson	MO
93	Andreia	M	Hennings	WI
94	Dorothy	A	Henry	CA
95	Baby	M	Hernandez	CA
96	Sandra	R	Hill	GA
97	Joseph	E	Hodges	WV
98	Rudolfo	C	Holguin	NM
99	Jimmy	W	Hopper	CA
100	Patricia	A	Jarrard	GA
101	Roger	L	Johnson	OH
102	James	G	Johnson	WI
103	Jennifer		Johnson	MO
104	La'Nequa		Johnson	WV
105	Barbara		Jones	WI
106	Gail	H	Jones	GA
107	Richard	B	Jones	NC
108	Ricky	L	Jones	CA
109	Vernelle	E	Key	AL
110	Connie	M	Klein	OH
111	Gabriella		Ladanyi	CA
112	Stevie	J	Lawhorn	WV
113	Gwendolyn		Lawson	SC
114	Lindsay		Lee	CA
115	John	D	Lemar	IA
116	Miriam	C	Lewis	GA
117	Roberta		Lias	AL
118	Lavern		Lockhart	GA
119	Joe		Loether	CA
120	Hector	E	Longoria	CA
121	Michael	J	Lopez	CA
122	Sarah	R	Lovin	SC
123	Jaquelyn		Manners	CA
124	Lesa	A	Manns	WV
125	Ronald	V	Martin	GA

126	Cynthia	M	McCaslin	SC
127	Garry	S	McCutcheon	GA
128	Harry	L	McDaniel	CA
129	William	M	McDermott	SC
130	Nancy	L	McKeever	CA
131	Janice	M	Mckinney	WV
132	Cynthia		McReaken	IL
133	Carol	A	Meadows-Oneal	CA
134	Donna	F	Michl	IA
135	Vanessa		Moody	CA
136	James	D	Moore	WV
137	Mildred	L	Moreman	AL
138	Deckrice	L	Morrissey	AL
139	Louise	W	Moss	VA
140	Brenda	A	Mullins	WV
141	James		Newsome	WI
142	Larry	E	Palen	CA
143	Susan	B	Patel	SC
144	Lashawn	N	Patrick	IL
145	Paula	R	Paul	WV
146	Janice	S	Pearson	SC
147	Tanita	W.	Perdue	GA
148	Terri		Perez	CA
149	Yolanda		Perez	CA
150	James	L	Pierce	WV
151	Palius	D	Pitts	IL
152	Janet	L	Poole	SC
153	Nichelle	D	Powell	GA
154	Michael	A	Prater	SC
155	Charles	H.	Price	OH
156	Kenny		Puckett	SC
157	Diana	G	Quesenberry	WV
158	Patrick	B	Quinn	CA
159	Richard	A	Raddatz	WI
160	Gerard		Ramirez	CA
161	Sheri		Reyes	OH
162	Ocelia	D	Richardson	NM
163	Mary		Rivers	GA
164	Patricia		Rivers	WV
165	Jessica	D	Robbins	WV
166	Doris	B	Roberts	GA
167	Jack	D	Robinette	WV
168	Sharon	A	Robles	SC
169	Isabella	S	Rogers	NC
170	Elaine		Roland	CA
171	Sara	G	Romero	NM
172	Veressa	C	Rosser	GA
173	Ron	L	Rutledge	SC
174	Mary	F	Salinas	CA
175	Paul	G	Salyer	WV

176	Luanna		Satterwhite	CA
177	Terry	P	Sauls	GA
178	Pattie	S	Saxton	IA
179	Rebecca		Scherer	IL
180	Martha	M	Schill	WI
181	Jerry		Scott	WV
182	Mariane	D	Scutt	CA
183	Karen	F.	Selfridge	SC
184	Raymond	T	Sepulveda	CA
185	Albert	B	Shealy	SC
186	Biff	L	Sheppard	AL
187	Melanie	C	Sheppard	GA
188	Dorothy	J	Shinholster	GA
189	Desire'e	J	Sikes	GA
190	Virginia	L	Simpson	SC
191	Kimberly	J	Sizemore	WV
192	Gary	P	Skidmore	WV
193	Elizabeth	J	Smith	WV
194	Cherryl	L	Smith	IL
195	Ruth		Smith	CA
196	Alberta	G	Sood	CA
197	Letha	M	Springer	WV
198	Thomas	E	Steele	GA
199	Robert	C	Stills	SC
200	Larry	J	Stinson	GA
201	Jesse	J	Stroy	SC
202	Samantha	A	Stumpf	IA
203	Rita	L	Sturgues	NC
204	Linda	S	Terrell	WV
205	Linda	K	Thomas	OH
206	Amy		Thomas	SC
207	Theresa		Thompson	GA
208	Kathleen	J	Tilley	WV
209	Frank	L	Tillman	AL
210	Doris	F	Todd	GA
211	Edward	E	Tolbert	WV
212	Louise	C	Tucker	AL
213	Larry	N	Upchurch	IL
214	Robert	P	Van Hoose	CA
215	Lisa		Vance	WV
216	Kelly	L	Wade	AL
217	Teresa	R	Wallace	OH
218	Marian		Washington	GA
219	Ruletta		Watson	CA
220	Debra		Weaver	SC
221	Regina		Welch	WV
222	Robert	W	Wells	GA
223	Carl		West	WV
224	Frank		Westbrook	GA
225	Paul	U	Whidby	GA

226	Rodney	P	Whitehead	GA
227	Mary	S	Willard	IL
228	William	E	Williams	GA
229	Robert	L	Williams	OH
230	Katrina		Williams	GA
231	Cynthia	C	Williams	GA
232	Ann	M	Wilmoth	GA
233	Robert	A	Wingard	SC
234	Heather	A	Wolfe	WV
235	Edna	M	Wolford	KY
236	Bufus		Woods	CA
237	Brian	A	Woods	WI
238	Thomas	E	Wright (Dec.)	GA
239	Reginald	R	Wright	CA
240	Doralee	D	Wyman	GA
241	Peggy	S	Yeley	CA

B. DEFENDANTS

3. Defendant **ASTRAZENECA LP**, is a company organized and existing under the laws of the State of Delaware with its principal place of business at 50 Otis Street, Westborough, MA 01581-4500. At all material times herein, this Defendant has conducted business and advertised, marketed, promoted, sold and/or distributed Seroquel in the State of Massachusetts. This Defendant may be served with process of this Court upon its registered agent for service in Massachusetts, to wit: CT Corporation System, 101 Federal Street, Boston, MA 02110.

4. Defendant **ASTRAZENECA PHARMACEUTICALS LP**, is the general partner of AstraZeneca LP, and is a company organized and existing under the laws of the State of Delaware with its principal place of business in Delaware. At all material times herein, this Defendant has conducted business and advertised, marketed, promoted, sold and/or distributed Seroquel in the State of Massachusetts. This Defendant may be served with process of this Court upon its registered agent for service in Massachusetts, to wit: CT Corporation System, 101 Federal Street, Boston, MA 02110.

5. Defendant **KBI SUB INC.**, is the limited partner of AstraZeneca LP, and is a company organized and existing under the laws of the State of Delaware with its principal place

of business in New Jersey. At all material times herein, this Defendant has conducted business and advertised, marketed, promoted, sold and/or distributed Seroquel in the State of Massachusetts. This Defendants may be served with process of this Court pursuant to M.G.L. 156D § 15.10, by serving the Massachusetts Secretary of State, Corporations Division, who shall then mail the summons and complaint via CM/RRR to Defendants' proper address at: KBI SUB Inc., c/o Merck & Co., Inc., One Merck Drive, Whitehouse Station, New Jersey 08889-0100.

6. Defendant **ASTRAZENECA AB**, is the general partner of AstraZeneca Pharmaceuticals LP, and is a foreign company with its principal place of business at SE-151 85, Södertälje, Sweden. At all material times herein, this Defendant has conducted business and advertised, marketed, promoted, sold and/or distributed Seroquel in the State of Massachusetts. This Defendant may be served with process via Registered, Return Receipt Requested, International Mail to its principal place of business pursuant to Articles 10(a) and 15 of the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters..

7. Defendant **ASTRA U.S.A., INC.**, is the limited partner of AstraZeneca Pharmaceuticals LP, and is a company organized and existing under the laws of the State of New York with its principal place of business at 128 Sidney Street, Cambridge, MA 02139. At all material times herein, this Defendant has conducted business and advertised, marketed, promoted, sold and/or distributed Seroquel in the State of Massachusetts. This Defendant may be served with process of this Court pursuant to M.G.L. 156D § 15.10, by serving the Massachusetts Secretary of State, Corporations Division, who shall then mail the summons and complaint via CM/RRR to Defendants' proper address at: Astra U.S.A., Inc., 1800 Concord Pike, Wilmington, DE 19850-5437.

8. Defendant **ASTRAZENECA R&D BOSTON**, is a company organized and existing under the laws of the State of Delaware with its principal place of business at 35 Gatehouse Drive, Waltham, MA 02451. At all material times herein, this Defendant has conducted business and advertised, marketed, promoted, sold and/or distributed Seroquel in the State of Massachusetts. This Defendant may be served with process of this Court upon its registered agent for service in Massachusetts, to wit: CT Corporation System, 101 Federal Street, Boston, MA 02110.

9. Defendant **ASTRAZENECA R&D WILMINGTON**, is a company organized and existing under the laws of the State of Delaware with its principal place of business in Delaware. At all material times herein, this Defendant has conducted business and advertised, marketed, promoted, sold and/or distributed Seroquel in the State of Massachusetts. This Defendants may be served with process of this Court pursuant to M.G.L. 156D § 15.10, by serving the Massachusetts Secretary of State, Corporations Division, who shall then mail the summons and complaint via CM/RRR to Defendants' proper address at: AstraZeneca R&D Wilmington, 1800 Concord Pike, Wilmington, DE 19850-5437.

10. Defendant **ASTRAZENECA PLC**, is the ultimate parent company of all Defendants, and is a foreign company with its principal place of business at 15 Stanhope Gate, London, W1K 1LN, England, United Kingdom. This Defendant's principal place of business in the United States is located at 35 Gatehouse Drive, Waltham, MA 02451. At all material times herein, this Defendant has conducted business and advertised, marketed, promoted, sold and/or distributed Seroquel in the State of Massachusetts. This Defendant may be served with process via Registered, Return Receipt Requested, International Mail to its principal place of business

pursuant to Articles 10(a) and 15 of the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

11. These companies have acted together and in concert to cause Plaintiffs' damages, and shall be hereinafter referred to collectively as "Defendants."

III. JURISDICTION & VENUE

12. The Court has jurisdiction over this lawsuit under 28 U.S.C. §1332(a)(1) because all Plaintiffs are citizens of different states from all Defendants, and the amount in controversy exceeds \$75,000, excluding interest and costs. This Federal Court sitting in diversity may exercise personal jurisdiction over Defendants under the Massachusetts long-arm statute, which permits jurisdiction over a person to the full extent of the due process clause of the United States Constitution. Venue is proper in this Court under 28 U.S.C. §1391(a)(1) because all Defendants "reside" in this judicial district as that term is defined in 28 U.S.C. §1391(c) and other law, under 28 U.S.C. §1391(a)(2) in that a substantial part of the events or omissions giving rise to these claims arose in this judicial district, and/or, under 28 U.S.C. §1391(a)(3) because there is no district in which the action may otherwise be brought and at least one Defendant is subject to personal jurisdiction in this district.

IV. FACTS

13. At all times relevant herein, Defendants were in the business of designing, testing, monitoring, manufacturing, labeling, advertising, marketing, promoting, selling and distributing pharmaceuticals, including Seroquel, for use by the mainstream public, including Plaintiffs.

14. Seroquel is among a group of drugs known as "atypical antipsychotics" or "second generation antipsychotics," and was initially approved in September 1997 by the U.S. Food and Drug Administration (hereinafter the "FDA").

15. The initial indication for Seroquel approved by the FDA was solely for treatment of adults with schizophrenia, a relatively rare condition that affects less than one percent of the population of the United States.

16. In January 2004, Defendants received FDA approval to market Seroquel for the short-term treatment of acute manic episodes associated with bipolar I disorder.

17. Like schizophrenia, bipolar I disorder is relatively rare, also affecting less than one percent of the population of the United States.

18. Despite its limited approval, and relatively small indicated target population, in 2005, Seroquel had become the thirteenth-best selling drug in the United States, and has passed Zyprexa and Risperdal as the highest selling antipsychotic in the United States. Seroquel's worldwide sales in 1998, its first full year on the market were a modest \$63 million. According to Defendants' 2005 Annual Report, worldwide Seroquel sales exceeded \$2.76 billion, which made Seroquel Defendants' second highest selling drug behind only Nexium at \$4.63 billion.

19. Critical to this blockbuster success was Defendants' aggressive marketing of Seroquel, which consisted chiefly of overstating the drug's uses (including massive off-label promotion), while understating and consciously concealing its life-threatening side effects.

20. Medical literature dating back as far as the 1950s, demonstrated that Seroquel, like other atypical antipsychotics had the potential to cause diabetes, diabetes-related injuries (e.g. severe weight gain, hyperglycemia, diabetic ketoacidosis), pancreatitis, cardiovascular complications, and other severe adverse effects. Defendants' own pre-clinical studies regarding Seroquel confirmed this to Defendants. Despite this knowledge, Defendants never attempted to provide an adequate warning label until they were finally forced to do so by the FDA.

21. Shortly after Seroquel's product launch and first widespread usage, the number of adverse event reports involving diabetes-related illnesses associated with Seroquel, spiked. These reports were filed with the FDA's Medwatch database, all of which were reported and known to Defendants.

22. On September 11, 2003, the FDA informed all manufacturers of atypical antipsychotic drugs, including Defendants, that due to an increasing prevalence of diabetes-related illnesses associated with this class of drugs, all labeling must bear the following language in the Warnings section:

Hyperglycemia, in some cases extreme and associated with ketoacidosis or hyperosmolar coma or death, has been reported in patients treated with atypical antipsychotics. Assessment of the relationship between atypical antipsychotic use and glucose abnormalities is complicated by the possibility of an increased background risk of diabetes mellitus in patients with schizophrenia and the increasing incidence of diabetes mellitus in the general population. Given these confounders, the relationship between atypical antipsychotic use and hyperglycemia-related adverse events is not completely understood. However, epidemiologic studies suggest an increased risk of treatment emergent hyperglycemia-related adverse events in patients treated with atypical antipsychotics. Precise risk estimates for hyperglycemia-related adverse events in patients treated with atypical antipsychotics are not available.

Patients with an established diagnosis of diabetes mellitus who are started on atypical antipsychotics should be monitored regularly for worsening of glucose control. Patients with risk factors for diabetes mellitus (e.g., obesity, family history of diabetes) who are starting treatment with atypical antipsychotics should undergo fasting blood glucose testing at the beginning of treatment and periodically during treatment. Any patient treated with atypical antipsychotics should be monitored for symptoms of hyperglycemia including polydipsia, polyuria, polyphagia, and weakness. Patients who develop symptoms of hyperglycemia during treatment with atypical antipsychotics should undergo fasting blood glucose testing. In some cases, hyperglycemia has resolved when the atypical antipsychotic was discontinued; however, some patients required continuation of anti-diabetic

treatment despite discontinuation of the suspect drug.

23. Despite the FDA action, Defendants waited until January 30, 2004 to send out a "Dear Doctor" letter attempting to advise treating physicians of the new warnings. On April 22, 2004 Defendants were forced to send out a revised "Dear Doctor" letter due to the fact that the first one was misleading, as it potentially downplayed the need to continually monitor a patient's blood sugar levels while on the drug. This critical information did not make it into the *Physicians' Desk Reference* until the 2005 edition.

24. In January 2006, Defendants were notified that the U.S. Attorney's Office in Los Angeles, California had commenced an investigation of Defendants' field promotional activities related to its products, including Seroquel.

25. Despite Defendants' knowledge regarding the safety risks its drug posed, they continued to ignore, downplay, sidestep, and delay the dissemination of open and frank information that patients and physicians needed to avoid the life-threatening injuries that Seroquel could cause. As a result of this callous disregard for human safety in the name of profits, Plaintiffs have suffered the injuries, damages, and losses complained of herein.

V. DISCOVERY RULE & FRAUDULENT CONCEALMENT

26. The nature of Plaintiffs' injuries and their relationship to Seroquel use were inherently undiscoverable; and, consequently, the discovery rule should be applied to toll the running of the statute of limitations until Plaintiffs knew or through the exercise of reasonable care and diligence should have known of the existence of their claims against Defendants. Plaintiffs did not discover, and through the exercise of reasonable care and due diligence, could not have discovered, their injuries earlier.

27. Further, Plaintiffs did not have knowledge of facts that would lead a reasonable, prudent person to make inquiry to discover Defendants' tortious conduct. Under appropriate

application of the “discovery rule,” Plaintiffs’ suit was filed well within the applicable statutory limitations period.

28. Defendants affirmatively and intentionally lulled, induced, and otherwise prevented Plaintiffs from discovering the existence of their various causes of action against Defendants through its fraudulent acts, omissions, concealments, and suppression of the dangers associated with its drug and other information necessary to put Plaintiffs on notice. Plaintiffs have therefore been kept in ignorance of vital information essential to the pursuit of their claims, without any fault or lack of diligence on their part. Plaintiffs could not reasonably have discovered the fraudulent nature of Defendants’ conduct. Accordingly, Defendants are estopped from relying on any statute of limitations to defeat any of Plaintiffs’ claims.

VI. CAUSES OF ACTION

A. STRICT PRODUCTS LIABILITY

29. Defendants are liable as the manufacturers, distributors and/or sellers of Seroquel because Seroquel, when sold, was in a defective and unreasonably dangerous condition. Defendants owed a strict duty to Plaintiffs not to harm Plaintiffs through the use of their drug.

1. DESIGN DEFECT

30. Seroquel was defective in design and/or formulation in that, when it left the hands of Defendants and/or its representatives, the foreseeable risks of serious harm posed by the drug outweighed its alleged benefits. The foreseeable risks of serious harm were so great that Plaintiffs, and the general public, having known of such foreseeable risks and alleged benefits, would not have ingested Seroquel.

31. Seroquel was placed into the stream of commerce by Defendants, acting through authorized agents, servants, employees and/or representatives. Plaintiffs were prescribed

Seroquel by Plaintiffs' physicians and used the drugs in a manner reasonably foreseeable by Defendants.

32. The Seroquel ingested by Plaintiffs was expected to and did reach Plaintiffs without substantial change in its condition as tested, manufactured, designed, labeled, packaged, marketed and distributed. As a result of their use of Seroquel, Plaintiffs suffered severe, permanent and disabling injuries and related damages.

2. MARKETING DEFECT-INADEQUATE AND IMPROPER WARNINGS

33. Seroquel was marketed to physicians to be prescribed to their patients and was marketed and advertised directly to the consuming public. Seroquel, as manufactured and supplied to healthcare professionals and the general public, was unaccompanied by proper warnings regarding the serious risks of ingesting the drug. The information provided to consumers did not reflect Defendants' knowledge that Seroquel was not safe and effective as indicated in its aggressive marketing campaign, nor were consumers made aware that ingesting the drug could result in serious injury, pain and discomfort and/or death. Additionally, Defendants committed overt acts and issued doublespeak in order to downplay the truth which began to surface. This information began to emerge in the form of adverse event reports, medical studies, and the 2003 FDA labeling change mandate. Any attempts by Defendants to satisfy its duty to warn were compromised by the backdrop of Defendants' actions. Full and proper warnings that accurately and fully reflected the risks of serious injury and/or sudden death due to the ingestion of Seroquel should have been disclosed by Defendants.

34. Plaintiffs were prescribed Seroquel by physicians who utilized the drug in a manner reasonably foreseeable by Defendants. Seroquel was expected to and did reach Plaintiffs without substantial change in its condition as tested, manufactured, designed, labeled, packaged,

marketed and distributed. Plaintiffs were not aware of, and could not have reasonably discovered, the unreasonably dangerous nature of Seroquel.

35. As the producing cause and legal and direct result of the failure to warn consumers of the defective condition of Seroquel, as manufactured and/or supplied by Defendants and its representatives, Plaintiffs have suffered severe, permanent and disabling injuries and related damages.

B. NEGLIGENCE

36. Defendants owed Plaintiffs legal duties in connection with putting Seroquel into the marketplace to be ingested by potential patients such as Plaintiffs. Defendants breached its duties, proximately causing Plaintiffs' injuries. Specifically, Defendants failed to meet its duties to use reasonable care in the testing, creating, designing, manufacturing, labeling, packaging, marketing, selling, and warning of Seroquel. Defendants is liable for acts and/or omissions amounting to negligence, gross negligence and/or malice including, but not limited to the following:

- a. Failure to adequately warn Plaintiffs and Plaintiffs' physicians of the respective known or reasonably foreseeable danger that Plaintiffs would suffer a serious injury or death by ingesting Seroquel;
- b. Failure to adequately warn Plaintiffs and Plaintiffs' physicians of the known or reasonably foreseeable danger that Plaintiffs would suffer a serious injury or death by ingesting Seroquel in unsafe doses;
- c. Failure to use reasonable care in testing and inspecting Seroquel, so as to ascertain whether or not it was safe for the purpose for which it was designed, manufactured and sold;
- d. Failure to use reasonable care in implementing and/or utilizing a reasonably safe design in the manufacture of Seroquel;
- e. Failure to use reasonable care in the process of manufacturing Seroquel in a reasonably safe condition for the use for which it was intended;

- f. Failure to use reasonable care in the manner and method of warning Plaintiffs and Plaintiffs' physicians as to the danger and risks of using Seroquel in unsafe doses;
- g. Failing to use reasonable care in maintaining its continuing duty to warn Plaintiffs and Plaintiffs' physicians of after acquired knowledge;
- h. Failure to use reasonable care under the circumstances in acquiring information about patient experience with actual usage of Seroquel, observed effects of Seroquel, monitoring and analyzing information on the quality, safety, efficacy, and all other aspects of reasonable vigilance and ongoing monitoring of a dangerous pharmaceutical (e.g. negligent pharmacovigilance); and,
- i. Such further acts and/or omissions that may be proven at trial.

37. The above-described acts and/or omissions of Defendants were direct and proximate causes of Plaintiffs' injuries, diseases, and damages complained of herein.

C. INTENTIONAL MISREPRESENTATION

38. Defendants made material representations that were false and that were either known to be false when made or were asserted recklessly without knowledge of their truth. These misrepresentations involved material facts concerning the character and quality of the drug in question, and reasonably implied to consumers that Seroquel was safe and would not cause injury. Defendants failed to disclose material facts regarding the dangerous propensities of Seroquel that were known to Defendants and within the knowledge of Defendants. Defendants were well aware of the lack of knowledge on behalf of consumers such as Plaintiffs, and of the incredible disparity between Defendants' and Plaintiffs' opportunity to fully appreciate and discover the dangerous character of Seroquel. By failing to disclose the knowledge known and appreciated by Defendants, Defendants intended to induce Plaintiffs and their physicians into continuing to prescribe, purchase and use Seroquel without worry. Without appropriate knowledge and the benefit and right of informed choice regarding the dangers known to Defendants, Plaintiffs' suffered the injuries, diseases, and damages complained of herein.

39. Defendants had in its possession adverse drug event reports, drug studies, and other documentation about Seroquel, and yet made the following misrepresentations:

- a. Misrepresentations regarding the respective frequency of Seroquel-related adverse event reports or occurrences in the drug's label, package insert or PDR label;
- b. Misrepresentations as to the respective existence, occurrence and frequency of occurrences, severity and extent of the overall risks of Seroquel;
- c. Misrepresentations as to the respective efficacy of Seroquel for both FDA approved and non-approved indications;
- d. Misrepresentations as to the respective number of adverse events and deaths reported with the use of Seroquel; and,
- e. Misrepresentations regarding the respective nature, seriousness, and severity of adverse events reported with the use of Seroquel.

40. Defendants intended that these misrepresentations be relied upon by physicians, including Plaintiffs' physicians, healthcare providers and consumers. Plaintiffs did rely upon the misrepresentations that caused Plaintiffs' injuries.

41. As a proximate cause and legal and direct result of Defendants' misrepresentations, Plaintiffs' suffered the injuries, diseases, and damages complained of herein.

D. NEGLIGENT MISREPRESENTATION

42. Long after Defendants became aware of the risks posed by the ingestion of Seroquel, Defendants failed to communicate those risks to Plaintiffs and the general public. Instead, Defendants continued to represent in its marketing that Seroquel was safe and effective.

43. Plaintiffs bring this cause of action against Defendants under the theory of negligent misrepresentation for the following reasons:

- a. Defendants, individually, and through its agents, representatives, distributors and/or employees, negligently misrepresented material facts about Seroquel, in that they made such misrepresentations when they knew or reasonably should have known of the falsity of such misrepresentations. Alternatively, Defendants made such misrepresentations without exercising reasonable care to ascertain the accuracy of these representations;

- b. These misrepresentations were made in the course of Defendants' sales of Seroquel to the general public, Plaintiffs and Plaintiff's physicians for the purpose of inducing continued sales and use of Seroquel;
- c. Defendants knew that the risk of severe physical harm existed as a result of its misrepresentations;
- d. Plaintiffs and Plaintiffs' healthcare providers justifiably relied on Defendants' misrepresentations; and,
- e. Consequently, Plaintiffs ingested Seroquel to Plaintiffs' detriment.

44. Defendants' negligent misrepresentations were direct and proximate causes of Plaintiffs' injuries, diseases, and damages complained of herein.

E. EXPRESS WARRANTY

45. Defendants are merchants and/or sellers of Seroquel. Defendants sold Seroquel to consumers, including Plaintiffs, for the ordinary purpose for which such drugs are used by consumers. Defendants made representations to Plaintiffs about the quality or characteristics of Seroquel by affirmation of fact, promise and/or description.

46. The representations by Defendants became part of the basis of the bargain between Defendants and Plaintiffs. Seroquel did not comport with the representations made by Defendants in that it was not safe for the use for which it was marketed. Plaintiffs have notified Defendants that Defendants has breached its express warranties. This breach of warranty by Defendants was a proximate cause of the injuries and monetary loss suffered by Plaintiffs.

F. IMPLIED WARRANTY

1. WARRANTY OF MERCHANTABILITY

47. Defendants are merchants and/or sellers of Seroquel. Plaintiffs purchased Seroquel as placed in the stream of commerce by Defendants and used it for the ordinary purpose for which such drugs are used by consumers. At the time it was purchased by Plaintiffs, Seroquel

was not fit for the ordinary purpose for which such drugs are used because it was not manufactured, designed or marketed in a manner to accomplish its purpose safely. Defendants' breach of its implied warranty of merchantability was a direct and proximate cause of Plaintiffs' injuries, diseases, and damages complained of herein.

2. WARRANTY OF FITNESS

48. Defendants placed Seroquel into the stream of commerce with the knowledge that Plaintiffs were purchasing said drugs for a particular purpose. Further, Defendants knew, or should have known, that Plaintiffs were relying on Defendants' skill or judgment to select goods fit for Plaintiffs' purpose.

49. Defendants delivered goods that were unreasonably dangerous and unfit for Plaintiffs' particular purpose, in that they were defectively designed and did not come with adequate warnings.

50. Defendants' failure to select and sell a product which was reasonably safe for its intended use was a direct and proximate cause of Plaintiffs' injuries, diseases, and damages complained of herein.

G. CIVIL CONSPIRACY

51. Defendants knowingly agreed, contrived, combined, confederated and conspired amongst themselves and with captured research groups, physicians, and trade groups to cause Plaintiffs' injuries, diseases, and damages by continuous downplaying of the risks associated with Seroquel in the name of more sales. They further conspired to deprive consumers such as Plaintiffs of the opportunity of informed free choice as to whether to use Seroquel or to expose themselves to its hidden dangers. Defendants committed the above described wrongs by

willfully misrepresenting and suppressing the truth as to the risks and dangers associated with the use of Seroquel.

52. In furtherance of said conspiracies, Defendants and its co-conspirators performed the following overt acts:

- a. For years, Defendants and its co-conspirators, have been in possession of medical and scientific data, literature, test reports, doctors' inquiries and adverse event reports which clearly indicated that Seroquel and other antipsychotic drugs could cause diabetes, diabetes-related injuries (e.g. severe weight gain, hyperglycemia, diabetic ketoacidosis), pancreatitis, cardiovascular complications, and other severe adverse effects; and,
- b. Despite the medical and scientific data, literature, and test reports possessed by and available to Defendants, Defendants and its co-conspirators fraudulently, willfully, and maliciously:
 - i. Withheld, concealed, and suppressed said medical and scientific data, literature, test reports, doctors' inquiries and adverse event reports regarding the risks of diabetes, diabetes-related injuries (e.g. severe weight gain, hyperglycemia, diabetic ketoacidosis), pancreatitis, cardiovascular complications, and other severe adverse effects from the general public, Plaintiffs and Plaintiffs' physicians; and
 - ii. Caused to be released, published and disseminated medical and scientific data, literature, test reports, and marketing and promotional materials containing information and statements regarding the risks of diabetes, diabetes-related injuries (e.g. severe weight gain, hyperglycemia, diabetic ketoacidosis), pancreatitis, cardiovascular complications, and other severe adverse effects, which Defendants knew were incorrect, incomplete, outdated and misleading.

53. By the false and fraudulent representations, omissions and concealments set forth above, Defendants and its co-conspirators intended to induce Plaintiffs and Plaintiffs' physicians to rely upon said false and fraudulent representations, omissions and concealments, to continue to expose themselves to the dangers inherent in the use of Seroquel.

54. As a result of their participation in the joint venture of designing, testing, monitoring, manufacturing, labeling, advertising, marketing, promoting, selling and distributing

Seroquel, all Defendants can be held liable jointly and severally for Plaintiffs' injuries, diseases, and damages complained of herein.

55. Defendants' participation in this conspiracy was a direct and proximate cause of Plaintiffs' injuries, diseases, and damages complained of herein.

VII. DAMAGES

56. Upon trial of this case, Plaintiffs respectfully request the Court and Jury to determine the amount of loss Plaintiffs have incurred in the past and will incur in the future, not only from a financial standpoint, but also in terms of good health and freedom from pain and worry. There are certain elements of damages provided by law that Plaintiffs are entitled to have the Jury separately consider to reasonably compensate Plaintiffs for the injuries, damages and losses incurred, as well as those to be incurred in the future. Plaintiffs have been damaged as a result of Defendants' acts and omissions complained of herein in the following particulars:

- a. Plaintiffs have incurred medical, pharmaceutical, hospital, and related expenses and may be reasonably expected to incur additional expenses in the future due to the progressive nature of their injuries;
- b. The likely progression and related life-threatening medical conditions reasonably anticipated to accompany Plaintiffs' injuries will require lifetime medical monitoring as well as domestic help and nursing care as their conditions deteriorates;
- c. Plaintiffs are subject to an extraordinarily increased likelihood of developing heart disease, strokes, high blood pressure, blindness, kidney disease, nervous system disease, amputations, dental disease, pregnancy complications, sexual dysfunction, and other diabetes related complications;
- d. Plaintiffs have endured pain and suffering, mental and emotional anguish and anxiety, and loss of the enjoyment of a normal life as a result of their injuries, and they will continue to endure the same in the future;
- e. Plaintiffs have had their future wage earning capacity impaired as a result of their injuries;

- f. Plaintiffs will likely suffer from a degree of permanent physical impairment, disability, and disfigurement as a result of their injuries as they progress in the future;
- g. Plaintiffs have been and will otherwise be prevented from participating in and enjoying the benefits of a full and complete life;
- h. Plaintiffs' spouses, where named, also seeks damages for loss of consortium; and,
- i. Plaintiffs assert a claim for prejudgment interest on all elements of damages as allowed by law.

VIII. WRONGFUL DEATH & SURVIVAL DAMAGES

57. In the case where Plaintiffs have suffered a wrongful death due to Defendants' acts and omissions complained of herein, Plaintiffs' heirs and representatives seek compensation for the following general and special damages including, but not limited to, damages for survival and wrongful death claims that Plaintiffs have sustained both in their individual capacity and as personal representatives of the estate:

- a. The conscious physical pain and suffering sustained by Decedent prior to their death;
- b. The mental anguish sustained by Decedent prior to their death;
- c. The physical impairment suffered by Decedent prior to their death;
- d. The disfigurement suffered by Decedent prior to their death;
- e. Reasonable and necessary medical expenses incurred by Decedent prior to their death;
- f. Reasonable funeral and burial expenses incurred by Decedent and their estate;
- g. Decedent's lost earning capacity;
- h. The loss of household services, consortium, pecuniary loss, companionship and society which Plaintiffs received from Decedent prior to their last illnesses and death;
- i. The mental anguish suffered by Plaintiffs as a consequence of the last illnesses and death of Decedent; and,

- j. Prejudgment interest on all elements of damages as allowed by law.

VIII. PUNITIVE DAMAGES

58. At all times relevant hereto, Defendants had actual knowledge of the defective nature of Seroquel as set forth herein and continued to design, manufacture, market, distribute and sell it so as to maximize sales and profits at the expense of the public's health and safety and in conscious disregard of the foreseeable serious harm caused by the drug. Defendants' conduct exhibits such an entire want of care as to establish that its actions were a result of fraud, ill will, recklessness, gross negligence, malice and/or willful and intentional disregard for the safety and rights of consumers of its drugs such as Plaintiffs. Plaintiffs are therefore entitled to punitive damages.

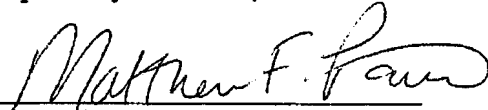
IX. JURY DEMAND

59. Plaintiffs hereby request a trial by jury on all issues in this case.

X. PRAYER

60. WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that upon final hearing, Plaintiffs have and recover judgment from Defendants, pursuant to the above and foregoing allegations in such amounts as found proper by a jury, which is in excess of the jurisdictional minimum of this court and as the evidence may show proper at the time of trial, together with interest thereon at the legal rate; punitive an/or exemplary damages; Plaintiffs' costs and attorneys' fees expended in prosecuting this matter; and for such other and further relief, both general and special, at law and in equity, to which Plaintiffs may be justly entitled.

Respectfully submitted,



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ATTORNEYS FOR PLAINTIFFS

JS 44 (Rev. 11/04)

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 THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

James I. Adams, et. al (See Petition)

(b) County of Residence of First Listed Plaintiff N/A (Illinois)
(EXCEPT IN U.S. PLAINTIFF CASES)

FILED IN CLERKS OFFICE DEFENDANTS

ASTRAZENECA LP, ASTRAZENECA PHARMACEUTICALS LP, KBI SUB INC., ASTRAZENECA AB, ASTRA USA, INC., ASTRAZENECA R&D BOSTON, ASTRAZENECA R&D WILMINGTON, and ASTRAZENECA PLC

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

U.S. DISTRICT COURT DISTRICT OF MASS.

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

06-10724 NG

(c) Attorney's (Firm Name, Address, and Telephone Number)

Matthew F. Pawa, Esq., Law Offices of Matthew F. Pawa, P.C.
1280 Centre Street, Suite 230, Newton Centre, MA 02459
(617) 641-9550

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 | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input 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)

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 (Excl. 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 - Med. Malpractice <input checked="" type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<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"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<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	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	
		LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <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)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

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
- 7 Appeal to District Judge from Magistrate Judgment

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. Sec. 1332(a)(1) (Diversity)

Brief description of cause:
Personal Injury Pharmaceutical Products Liability

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Nancy Gertner

DOCKET NUMBER 06CA10709NG

DATE

04/21/2006

SIGNATURE OF ATTORNEY OF RECORD

Matthew F. Pawa

FOR OFFICE USE ONLY

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

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
LPI CLERKS OFFICE

1. Title of case (name of first party on each side only) James I. Adams v. AstraZeneca LP

2006 APR 24 P 3:04

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

U.S. DISTRICT COURT
DISTRICT OF MASS.

- I. 160, 410, 470, 535, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 480, 490, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

06 - 10724 NG

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

MELLISA ANDREW, et al. v. ASTRAZENECA LP, et al., 06CA10709NG

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES NO

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES NO

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES NO

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES NO

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES NO

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division Central Division Western Division

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division Central Division Western Division

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES NO

(PLEASE TYPE OR PRINT)

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