

IN THE UNITED STATES DISTRICT COURT OF THE
SOUTHERN DISTRICT OF WEST VIRGINIA
PARKERSBURG DIVISION

BETTY WOLFORD,

Plaintiff

Civil Action No.: 6:08-0973

v.

MYLAN PHARMACEUTICALS, INC., a West
Virginia corporation, ACTAVIS TOTOWA, LLC,
ACTAVIS GROUP, hf., MYLAN BERTEK
PHARMACEUTICALS, INC., and
UDL LABORATORIES, INC.,

Defendants.

COMPLAINT

NOW comes the plaintiff, Betty Wolford, by and through undersigned counsel, hereby commences her individual action against Actavis Totowa, LLC, Actavis Group, hf., Mylan Pharmaceuticals, Inc., Mylan Bertek Pharmaceuticals, Inc., and UDL Laboratories, Inc. (hereinafter collectively "Defendants" unless otherwise stated) for compensatory and punitive relief. Plaintiff makes the following allegations based upon her personal knowledge as to her own acts, and upon information and belief, as well as upon her attorneys' investigative efforts as to Defendants' actions and misconduct, and allege as follows:

I. JURISDICTION AND VENUE

1. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332 because the parties are citizens of different States and the matter in controversy exceeds the jurisdictional amount exclusive of interest and costs.

2. Venue is proper under 28 U.S.C. §§ 1391 (a).

II. PARTIES

3. Plaintiff, Betty Wolford is a citizen and resident of Columbus (Franklin County), Ohio.

4. Plaintiff Betty Wolford has suffered bodily injuries and other damages as a result of her ingestion of recalled Digitek® (Digoxin). Betty Wolford was prescribed, purchased and ingested Digitek ® (Digoxin) in Franklin County, Ohio.

5. Actavis Totowa, LLC is a New Jersey corporation. At all times relevant herein, Actavis Totowa, LLC was engaged in the business of manufacturing, marketing, testing, promoting, selling and/or distributing Digitek ® (Digoxin).

6. Actavis Group, hf. is a foreign corporation. At all times relevant herein, Actavis Group was engaged in the business of manufacturing, marketing, promoting, testing, selling, and/or distributing Digitek ® (Digoxin).

7. Mylan Pharmaceuticals, Inc. is a West Virginia corporation with its principal place of business located in Morgantown, West Virginia. At all times relevant herein, Mylan Pharmaceuticals, Inc. was engaged in the business of marketing, promoting, selling and/or distributing Digitek ® (Digoxin).

8. Mylan Bertek Pharmaceuticals, Inc. is a Texas corporation. At all times relevant herein, Mylan Bertek Pharmaceuticals, Inc. was engaged in the business of manufacturing, marketing, testing, promoting, selling and/or distributing Digitek ® (Digoxin).

9. UDL Laboratories, Inc. is an Illinois corporation. At all times relevant

herein, UDL Laboratories, Inc. was engaged in the business of manufacturing, marketing, testing, promoting, selling and/or distributing Digitek ® (Digoxin).

III. INTRODUCTION

10. Actavis Group, through its manufacturing division, Actavis Totowa, LLC, designed, researched, tested, and manufactured Digitek ® (Digoxin). Mylan Pharmaceuticals, Inc. distributed Digitek ® (Digoxin) through its affiliates Mylan Bertek Pharmaceuticals, Inc. and UDL Laboratories, Inc. under the labels of Bertek and UDL. All defendants advertised, marketed, promoted and sold Digitek ® (Digoxin).

11. Digitek ® (Digoxin) is widely used in the treatment of various heart conditions including atrial fibrillation, atrial flutter and heart failure that cannot be controlled by other medications. The United States Food and Drug Administration approved the medication to be manufactured, distributed and sold with approved levels of active ingredient.

12. Digitek® (Digoxin) was widely sold throughout the United States. Digitek® (Digoxin) was a mass marketed product throughout the United States. Numerous consumers have been similarly injured by Defendants' wrongful conduct.

13. Defendants were negligent in the design, testing, manufacturing, advertising, marketing, promotion, labeling, warnings given and sale of Digitek ® (Digoxin) because the medication was provided for use by the public with twice the approved level of active ingredient.

14. Digitek ® (Digoxin) has a narrow therapeutic index, and thus, has a limited margin between effectiveness and toxicity.

15. Ingestion of excess levels of the active ingredient in Digitek ® (Digoxin) beyond the level approved by the FDA can cause death and other health problems.

16. Upon information and belief, defendants received at least eleven (11), and possibly more, complaints about significant adverse side effects including illnesses and injuries from Digitek ® (Digoxin) since 2006.

17. Defendants have a history of releasing drug products for public consumption that have been adulterated.

18. Defendants have a history of failing to reliably establish the identity, strength, quality and purity of drug products they release for public consumption.

19. Defendants have a history of failing to adequately investigate and document out-of-specification test results on their drug products.

20. Defendants failed to adequately warn users of the defective drug of its unreasonably dangerous characteristics due to the excess levels of active ingredient the drug contained.

21. Betty Wolford, suffered from congestive heart failure and was prescribed Digitek ® (Digoxin) by her physician.

22. As a result of Betty Wolford's ingestion of Digitek® (Digoxin) she suffered bodily injury including visual changes, palpitations, irregular pulse, cold sweats and digitalis toxicity, as well as other damages.

23. Defendants' conduct in the design, testing, manufacturing, advertising, marketing, promotion, labeling, warnings given and sale of Digitek ® (Digoxin) for use by the public with twice the approved level of active ingredient was a proximate cause of Betty Wolford's bodily injuries and damages.

24. Defendants knew or, in the exercise of reasonable care, should have

known that their drug was defective and that Betty Wolford, would reasonably be expected to use their drug and suffer injury as a result of normal use of the drug.

25. Defendants owed a duty to Betty Wolford, to design, manufacture, test, advertise, promote, sell and distribute Digitek ® (Digoxin) without hidden and concealed defects.

26. Defendants breached said duty to Betty Wolford, and thereby proximately caused her injuries and damages.

COUNT I
STRICT LIABILITY IN TORT

27. The plaintiff realleges and incorporates by reference each and every allegation contained in paragraphs one through twenty six of her Complaint, and further allege as follows:

28. Defendants designed, researched, manufactured, tested, advertised, promoted, marketed, sold and/or distributed Digitek® (Digoxin) which was used and ingested by Plaintiff Betty Wolford.

29. Digitek® (Digoxin) was expected to, and did, reach the usual consumers, handlers and persons coming into contact with said drug without substantial change in the condition in which it was produced, manufactured, tested, sold, distributed and marketed by Defendants.

30. At all times relevant to her Complaint, Digitek® (Digoxin) was in an unsafe, defective, and inherently dangerous condition which was unreasonably dangerous

to its users, specifically including Plaintiff Betty Wolford because it contained excess levels of active ingredient.

31. Digitek® (Digoxin) was so defective in design, formulation, manufacture and testing that when it left the hands of Defendants, the foreseeable risks exceeded the benefits associated with the design, formulation and manufacture of Digitek® (Digoxin).

32. Defendants knew, or should have known, at all times relevant herein that Digitek® (Digoxin) was in a defective condition and was inherently dangerous and unsafe because it contained excess levels of active ingredient.

33. Plaintiff Betty Wolford, used Digitek® (Digoxin) for the purpose and manner normally intended for the drug.

34. Plaintiff Betty Wolford, acting as a reasonably prudent person, could not have discovered that Digitek® (Digoxin) was defective, nor could she have perceived its danger.

35. Defendants had a duty to create a product that was safe for its normal, intended use.

36. Upon information and belief, sales, prescription, use and ingestion continued after Defendants knew, or should have known that their product contained excess levels of active ingredient, and therefore, presented risk of serious side effects including, but not limited to, nausea, vomiting, dizziness, low blood pressure, cardiac instability, bradycardia, toxicity and death, as well as other severe and permanent health consequences. Therefore, Defendants are strictly liable in tort for the bodily injuries and damages of Betty Wolford.

37. The Digitek® (Digoxin) designed, researched, manufactured, tested, advertised, promoted, marketed, sold and/or distributed by Defendants contained excess levels of active ingredient, and was therefore, unreasonably dangerous, not reasonably safe, and did not meet reasonable consumer expectations because of design and manufacturing defects, use defects including inadequate warnings, and defects attributable to inadequate testing. Defendants are, therefore, strictly liable for the injuries and damages of Betty Wolford.

38. The Digitek® (Digoxin) designed, researched, manufactured, tested, advertised, promoted, marketed, sold and/or distributed by Defendants contained excess levels of active ingredient, and therefore, was defective due to inadequate post-marketing surveillance and/or warnings. Defendants are, therefore, strictly liable for the injuries and damages of Betty Wolford.

39. The Digitek® (Digoxin) designed, researched, manufactured, tested, advertised, promoted, marketed, sold and/or distributed by Defendants was unreasonably dangerous, because

- a. the manufacturing processes for the drug did not satisfy the Food and Drug Administration's manufacturing standards;
- b. the failure of the defendants' manufacturing process for the drug to satisfy the Food and Drug Administration's applicable manufacturing standards resulted in unreasonably dangerous manufacturing defects, and
- c. the defendants failed to warn of the unreasonable risks created by these manufacturing defects.

COUNT II
NEGLIGENCE

40. The plaintiff realleges and incorporates by reference each and every allegation contained in paragraphs one through thirty nine of her Complaint, and further alleges as follows:

41. Defendants had a duty to exercise reasonable care in manufacturing, marketing, researching, testing, design, marketing, promotion, packaging, sale and distribution of Digitek® (Digoxin) for public consumption.

42. Defendants failed to exercise reasonable care and were negligent through the following acts and omissions:

- a. Manufacturing, designing, promoting, formulating, creating, marketing, packaging, distributing and selling Digitek® (Digoxin) in violation of FDA drug approved requirements because the drug was released for public consumption with excess levels of active ingredient beyond that approved by the FDA;
- b. Manufacturing, designing, producing, promoting, formulating, creating, marketing, distributing and selling Digitek® (Digoxin) without properly testing it to ensure it did not have excess levels of active ingredient;
- c. Manufacturing, designing, producing, promoting, formulating, creating, marketing, distributing and selling Digitek® (Digoxin) in a manner that was dangerous to intended users because it contained excess levels of active ingredient;
- d. Failing to adequately warn, timely recall or otherwise notify health care providers and users at the earliest date that it became known that Digitek® (Digoxin) was dangerous and defective because it contained excess levels of active ingredient;
- e. Negligently advertising and recommending the use of Digitek® (Digoxin) without ensuring the safety of the drug for its intended use;
- f. Failing to reliably establish the identity, strength, quality and purity

of the Digitek® (Digoxin) that Defendants released into the market;
and

g. Failing to conduct adequate post-marketing surveillance to ensure the safety of Digitek® (Digoxin).

43. Defendants under-reported, underestimated and/or downplayed the serious dangers and the defective nature of Digitek® (Digoxin).

44. Defendants knew or should have known that consumers such as Plaintiff would foreseeably suffer injury, including death, as a result of Defendants' failure to exercise ordinary care as outlined above.

45. Defendants' negligence was a proximate cause of Plaintiff's bodily injuries and damages.

46. The defendants were negligent in manufacturing Digitek® (Digoxin) because:

- a. their manufacturing process for the drug did not satisfy the Food and Drug Administration's manufacturing standards;
- b. the failure of the manufacturing processes for the drug to satisfy the Food and Drug Administration's manufacturing standards for the devices resulted in unreasonably dangerous manufacturing defects, and
- c. the defendants failed to warn of the unreasonable risks created by these manufacturing defects.

COUNT III
BREACH OF IMPLIED WARRANTY

47. The plaintiff realleges and incorporatse by reference each and every allegation contained in paragraphs one through forty six of her Complaint, and further allege as follows:

48. West Virginia law imposes a duty on the seller of a product to warrant that a product is reasonably fit for its intended purpose.

49. Defendants, as sellers of Digitek® (Digoxin), warranted that the drug was safe for its intended purpose, including the treatment of atrial fibrillation, atrial flutter and heart failure patients who remain symptomatic after attempts at other treatment.

50. Plaintiff Betty Wolford, reasonably relied on the belief that Digitek® (Digoxin) was reasonably safe and fit for its intended purpose.

51. Defendants breached their implied warranty because the Digitek® (Digoxin) released for public consumption contained twice the amount of active ingredient and was not safe and fit for its intended purpose.

52. Defendants' breach of their implied warranty was a proximate cause of Plaintiff's bodily injury and damages.

COUNT IV
BREACH OF EXPRESS WARRANTY

53. The plaintiff realleges and incorporates by reference each and every allegation contained in paragraphs one through fifty-two of her Complaint, and further allege as follows:

54. Defendants expressly warranted that Digitek® (Digoxin) would be reasonably safe and fit for its intended purpose.

55. Plaintiff Betty Wolford, reasonably relied on the express warranty of Defendants that Digitek® (Digoxin) was reasonably safe and fit for its intended use.

56. Digitek® (Digoxin) does not conform to the express warranties by Defendants because the drug, as produced for public consumption, is defective and presents a high risk for injury and death to its intended users.

57. Defendants breached their express warranty regarding the safety and fitness of Digitek® (Digoxin).

58. Defendants' breach of their express warranty was a proximate cause of Plaintiff's bodily injury and damages.

COUNT V
PUNITIVE DAMAGE CLAIM

59. The plaintiff realleges and incorporates by reference each and every allegation contained in paragraphs one through fifty eight of her Complaint, and further allege as follows:

60. Defendants' pattern and practice of permitting adulterated drug products to be released for consumer use; failing to reliably establish the identity, strength, quality and purity of drug products that they manufacture and release onto the market; and failure to investigate and document out-of- specification test results, constitutes an irresponsible, wanton and reckless attitude toward the safety and health of the public, including Plaintiff Betty Wolford. Such conduct was willful, deliberate, intentional, reckless, and/or malicious and was a proximate cause of Plaintiff's bodily injuries and damages.

61. Defendants' concealment of the dangers presented to the public, including Plaintiff Betty Wolford, after it knew that Digitek® (Digoxin) had been

released to the general public with twice the levels of active ingredient was willful, deliberate, intentional, reckless, and/or malicious and was a proximate cause of Plaintiffs injuries and damages.

62. Defendants' failure to timely and effectively notify the public, including Plaintiff Betty Wolford, that Digitek® (Digoxin) had been released to the general public with twice the levels of active ingredient was willful, deliberate, intentional, reckless, and/or malicious and was a proximate cause of Plaintiff Betty Wolford's bodily injury and damages.

63. Plaintiff is entitled to an award of punitive damages as a result of the deliberate, willful, intentional, reckless and/or malicious conduct of Defendants outlined herein.

DAMAGES

64. The plaintiff realleges and incorporates by reference each and every allegation contained in paragraphs one through sixty three of her Complaint, and further allege as follows:

65. As a direct and proximate result of the negligence, carelessness, recklessness, willful, intentional, deliberate and/or malicious acts of Defendants, individually and collectively, both jointly and severally, the Plaintiff Betty Wolford, suffered permanent bodily injury including, but not limited to, including visual changes, palpitations, irregular pulse, cold sweats and digitalis toxicity, as well as other damages, requiring medical treatment and care. Plaintiff has incurred medical bills in the past and will incur medical bills in the future. Plaintiff has further suffered tremendous pain, suffering, loss of enjoyment of life, mental anguish and annoyance and inconvenience.

Plaintiff further seeks all other damages allowable by law.

WHEREFORE, the Plaintiff, Betty Wolford demands judgment of and from the Defendants, both jointly and severally, in such sums as will adequately compensate the Plaintiff and punish the Defendants for the bodily injuries and damages inflicted, as aforesaid, which said sums are far in excess of any sums necessary to confer the jurisdiction of the court, together with prejudgment and post-judgment interests, the costs expended in the prosecution of her lawsuit, including reasonable attorney fees, return or refund of all costs associated with the purchase of defective Digitek® (Digoxin), disgorgement of Defendants' profits from the sale of Digitek® (Digoxin), and do further pray for such other and further general relief as the court may deem proper.

THE PLAINTIFF FURTHER DEMANDS A TRIAL BY JURY.

BETTY WOLFORD
By Counsel



Teresa C. Toriseva, WVSB 6947
Kathy Brown WVSB 8878
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Counsel for Plaintiff

JS 44 (Rev. 12/07)

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

Betty Wolford

(b) County of Residence of First Listed Plaintiff Franklin County, OH
(EXCEPT IN U.S. PLAINTIFF CASES)

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

Teresa C. Toriseva, Wender Toriseva Wallace LLP, 1446 National Road, Wheeling, WV 26003 304-238-0066

DEFENDANTS

Mylan Pharmaceuticals, Inc., Actavis Totwa, LLC, Actavis Group, hf, Myland Bertak Pharmaceuticals and UDL Labs

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

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

Attorneys (if known)

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 (Indicates Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| 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 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)

- | | | | | | |
|--|--|--|---|---|--|
| <input type="checkbox"/> 119 Insurance | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 362 Personal Injury - Med. Malpractice | <input type="checkbox"/> 618 Agriculture | <input type="checkbox"/> 422 Appeal 28 USC 138 | <input type="checkbox"/> 408 State Reapportionment |
| <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 365 Personal Injury - Product Liability | <input type="checkbox"/> 620 Other Food & Drug | <input type="checkbox"/> 423 Writ/Injunction 28 USC 137 | <input type="checkbox"/> 418 Antitrust |
| <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 320 Assault, Libel & Slander | <input type="checkbox"/> 368 Antitrust Personal Injury Product Liability | <input type="checkbox"/> 630 Liquor Liens | <input type="checkbox"/> 428 Copyrights | <input type="checkbox"/> 430 Banks and Banking |
| <input type="checkbox"/> 140 Negligible Impairment | <input type="checkbox"/> 330 Federal Employers' Liability | <input type="checkbox"/> 370 Other Personal Property Damage | <input type="checkbox"/> 640 R.R. & Truck | <input type="checkbox"/> 430 Patent | <input type="checkbox"/> 450 Consumer |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment | <input type="checkbox"/> 340 Marine | <input type="checkbox"/> 371 Truth in Lending | <input type="checkbox"/> 650 Airline Regs. | <input type="checkbox"/> 440 Trademark | <input type="checkbox"/> 460 Espionage |
| <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 345 Marine Product Liability | <input type="checkbox"/> 380 Other Personal Property Damage | <input type="checkbox"/> 668 Occupational Safety/Health | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Rec. Veterans) | <input type="checkbox"/> 350 Motor Vehicle | <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 678 Other | <input type="checkbox"/> 480 Consumer Credit | <input type="checkbox"/> 490 Cable/Net TV |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veterans's Benefits | <input type="checkbox"/> 355 Motor Vehicle Product Liability | <input type="checkbox"/> 310 Multiple to Victims Sentence Habeas Corpus | <input type="checkbox"/> 776 Fair Labor Standards Act | <input type="checkbox"/> 490 Copyrights | <input type="checkbox"/> 510 Selective Service |
| <input type="checkbox"/> 160 Stockholders' Suits | <input type="checkbox"/> 360 Other Personal Injury | <input type="checkbox"/> 530 General | <input type="checkbox"/> 780 Labor/Mgmt. Relations | <input type="checkbox"/> 500 Patent | <input type="checkbox"/> 530 Securities/Commodities/Exchange |
| <input type="checkbox"/> 180 Other Contract | <input type="checkbox"/> 441 Voting | <input type="checkbox"/> 535 Death Penalty | <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act | <input type="checkbox"/> 540 Trademark | <input type="checkbox"/> 575 Consumer Challenge 12 USC 3410 |
| <input type="checkbox"/> 190 Contract Product Liability | <input type="checkbox"/> 442 Employment | <input type="checkbox"/> 540 Mandamus & Other | <input type="checkbox"/> 740 Railway Labor Act | <input type="checkbox"/> 561 FIA (Bank) | <input type="checkbox"/> 590 Other Remedial Actions |
| <input type="checkbox"/> 196 Executive | <input type="checkbox"/> 443 Housing/Accommodations | <input type="checkbox"/> 550 Civil Rights | <input type="checkbox"/> 790 Other Labor Litigation | <input type="checkbox"/> 562 Block Long (923) | <input type="checkbox"/> 591 Agricultural Acts |
| <input type="checkbox"/> 210 Land Condemnation | <input type="checkbox"/> 444 Welfare | <input type="checkbox"/> 555 Prison Condition | <input type="checkbox"/> 791 Empl. Ret. Inv. Security Act | <input type="checkbox"/> 563 DIWC/DIWW (405(g)) | <input type="checkbox"/> 592 Economic Stabilization Act |
| <input type="checkbox"/> 220 Foreclosure | <input type="checkbox"/> 445 Amer. w/Disabilities - Employment | | <input type="checkbox"/> 442 Noncompetition Application | <input type="checkbox"/> 564 S&D Title XVI | <input type="checkbox"/> 593 Environmental Matters |
| <input type="checkbox"/> 230 Rent Leases & Ejectment | <input type="checkbox"/> 446 Amer. w/Disabilities - Other | | <input type="checkbox"/> 463 Habeas Corpus - Alien Detainees | <input type="checkbox"/> 565 S&I (405-4) | <input type="checkbox"/> 594 Energy Allocation Act |
| <input type="checkbox"/> 240 Torts to Land | <input type="checkbox"/> 440 Other Civil Rights | | <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 570 Texas (U.S. Plaintiff or Defendant) | <input type="checkbox"/> 595 Freedom of Information Act |
| <input type="checkbox"/> 243 Tort Product Liability | | | | <input type="checkbox"/> 571 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice |
| <input type="checkbox"/> 290 All Other Real Property | | | | | <input type="checkbox"/> 930 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 Recaptured
- 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):
 Brief description of cause:
Product 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 _____ DOCKET NUMBER _____

DATE

7/31/08

SIGNATURE OF ATTORNEY OF RECORD

Teresa C. Toriseva

FOR OFFICE USE ONLY

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