SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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IN RE: NEW YORK DIET DRUG LITIGATION

Index No. 700000/98

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THIS DOCUMENT APPLIES TO ALL DIET DRUG CASES VENUED IN NEW YORK COUNTY

ORDER WITH NOTICE OF ENTRY

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PLEASE TAKE NOTICE that the attached is a true and correct copy of the Amendment to Case Management Order No. 3 which was signed by the Honorable Helen E. Freedman on November 4, 1999 and entered in the Office of the New York County Clerk on November 4, 1999.

Dated: New York, New York
November 16, 1999

SIMPSON THACHER & BARTLETT

By: _____
Thomas C. Rice

Office and Post Office Address
425 Lexington Avenue
New York, New York 10017-3954
(212) 455-2000

Defendants' Liaison Counsel

To: All Counsel of Record on the Master Service List in effect as of November 1, 1999.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Sub # 100

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IN RE: NEW YORK DIET DRUG LITIGATION

Index No. 700000/98

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THIS DOCUMENT APPLIES TO ALL DIET DRUG CASES VENUED IN NEW YORK COUNTY

AMENDMENT TO CASE MANAGEMENT ORDER NO. 3
November 3, 1999

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NOV - 4 1999

COUNTY CLERK'S OFFICE
NEW YORK

Amended Master Pleadings

Pursuant to Case Management Order No. 1 ("CMO No. 1") entered in these coordinated cases on May 28, 1998, this Court, inter alia, established steering committees, and joint subcommittees, of plaintiffs' and defendants' counsel to develop uniform pleadings and discovery requests to be used in these cases. On September 25, 1998, this Court signed CMO No. 3 entitled Master Pleadings, Confidentiality Order and Inadvertent Production Order. The Plaintiffs' Pleadings Subcommittee has developed the attached Amended Master Complaint, and the committees have jointly developed the Amended Verified Complaint by Adoption. This Order amends CMO No. 3 with the revised paragraphs contained herein, which adopt an Amended Master Complaint attached hereto as Exhibit A and an Amended Verified Complaint by Adoption attached hereto as Exhibit B. All other paragraphs and provisions of CMO No. 3 remain unchanged and in full force and effect. This Order applies to all diet drug cases which are presently or hereafter assigned to the undersigned.

A. Amended Master Complaint

Plaintiffs' Amended Master Complaint, attached hereto as Appendix A, filed as a part of this Order under the index number 700000/98, contains allegations that plaintiffs allege may be suitable for incorporation by reference in individual cases. It is envisioned that in many cases, there will only be an Amended Verified Complaint by Adoption incorporating by reference allegations from the Amended Master Complaint. Defendants reserve the right to move against the Amended Master Complaint. Any party desiring to make such a motion shall first request a conference with the Court to discuss a schedule for the briefing and argument of the motion and, to the extent applicable, a narrowing of the issues. Any such motion shall be served in accordance with CMO No. 1.

B. Verified Complaint by Adoption

1. Allegations in the Amended Master Complaint are not deemed automatically included in any particular case. Plaintiffs wishing to incorporate by reference any or all of the causes of action in the Amended Master Complaint shall do so by listing them on a Amended Verified Complaint by Adoption substantially in the form attached hereto as Appendix B. Unrelated plaintiffs, or related plaintiffs asserting non-derivative claims, may not appear on the same Verified Complaint by Adoption. Counsel for any plaintiff filing a Verified Complaint by Adoption must sign as required by 22 NYCRR § 130-1.1-a.

2. Plaintiffs' Verified Complaint by Adoption shall be served, together with an appropriate Summons, on each named defendant in accordance with the provisions for Service of Process in Section VII of CMO No. 1 or otherwise in accordance with the CPLR.

3. Any complaint by adoption filed and/or served prior to the entry of this Order which failed to conform to the form of Verified Complaint by Adoption annexed as an

Appendix B to CMO No. 3 shall be deemed to adopt the corresponding allegations in the Amended Master Complaint annexed hereto.

C. Master Answers

Any defendant may file in the master file applicable to these cases, a form of Master Answer or Amended Master Answer for that defendant incorporating its defenses to the allegations in the Amended Master Complaint. Master Answers shall thus be filed under the index number 700000/98 and, in addition, shall be served on Defendants' and Plaintiffs' Liaison Counsel. Any defendant filing a Master Answer or Amended Master Answer as set forth above may thereafter incorporate the terms of such answer in any action assigned to this Court in the manner set forth below. The filing of an Amended Master Answer does not prejudice or affect in any way a defendant's right to move against the Amended Master Complaint as it may be made applicable (in accordance with the terms of this Order) to any individual action. Plaintiffs reserve the right to move against any Amended Master Answer. Any party desiring to make such a motion shall first request a conference with the Court to discuss a schedule for the briefing and argument of the motion and, to the extent applicable, a narrowing of the issues. Any such motion shall be served in accordance with CMO No. 1.

D. Verified Answer by Adoption

1. A defendant that has filed a Master Answer or Amended Master Answer may respond to a complaint served upon it by serving a Verified Answer by Adoption substantially in the form annexed to CMO No. 3 as Appendix C or, alternatively, may respond in any other manner it deems appropriate (including, but not limited to, serving a separate Answer or moving against the Complaint).

2. Defendant's Verified Answer by Adoption shall be served on the plaintiff and each defendant appearing in the action to which the Notice applies in accordance with the provisions of CMO No. 1.

3. Any answer by adoption properly served by a defendant prior to the entry of this Order which responds to the allegations adopted in a complaint by adoption which failed to conform to the form of Verified Complaint by Adoption annexed as an Appendix B to CMO No. 3 shall be deemed to adopt Amended Master Answer filed by that defendant with the Court (or, if none, the Master Answer filed by that defendant). Defendants who have heretofore not served an answer or responsive pleading to complaints by adoption shall have sixty days from the entry of this Order, or such longer period of time provided by the CPLR or by stipulation between the parties, to serve an answer or responsive pleading.

E. Other Matters

1. The entry of this Order does not constitute a finding by the Court, or an agreement by the parties, as to the truth, validity, sufficiency or availability of any fact, cause of action, claim for relief, affirmative defense or any other matter stated in the Amended Master Complaint, Amended Verified Complaint by Adoption, any Amended Master Answer or Verified Answer by Adoption.

2. Defendants' Liaison Counsel is hereby directed to serve with notice of its entry a copy of this Order on all counsel on the Master Service List in effect at the time of entry.

SO ORDERED.

Dated: November 4, 1999
New York, New York

Helen E. Freedman, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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IN RE: NEW YORK DIET DRUG LITIGATION — INDEX NO. 700000/98

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VARIOUS NAMED INDIVIDUALS,

Plaintiffs,

AMENDED
MASTER COMPLAINT

-against-

JURY TRIAL DEMANDED

AMERICAN HOME PRODUCTS CORP.,
WYETH-AYERST LABORATORIES, a Division
of AMERICAN HOME PRODUCTS CORP.,
A.H. ROBINS COMPANY, INC.,
WYETH-AYERST PHARMACEUTICALS INC.,
F/K/A WYETH LABORATORIES INC.,
INTERNEURON PHARMACEUTICALS, INC.,
SMITHKLINE BEECHAM CORP.,
MEDEVA PHARMACEUTICALS, INC.,
MEDEVA PHARMACEUTICALS MANUFACTURING, INC.,
FISONS CORPORATION,
EON LABS MANUFACTURING, INC.,
ZENITH GOLDLINE PHARMACEUTICALS, INC.,
GOLDLINE LABORATORIES, INC.,
ION LABORATORIES, INC.,
GATE PHARMACEUTICALS, a Division of
TEVA PHARMACEUTICALS USA, INC.,
TEVA PHARMACEUTICALS USA, INC.,
JONES MEDICAL INDUSTRIES, INC.,
F/K/A ABANA PHARMACEUTICALS, INC.,
ABANA PHARMACEUTICALS, INC.,
SHIRE RICHWOOD INC., F/K/A
RICHWOOD PHARMACEUTICALS COMPANY, INC.,
RUGBY LABORATORIES, INC.,
A/K/A RUGBY GROUP, INC.,
SEATRACE PHARMACEUTICALS, INC.,
ROSEMONT PHARMACEUTICALS, INC.,
CALVIN SCOTT & COMPANY,
QUALITEST PHARMACEUTICALS, INC.,
A/K/A QUALITY RES PHARMACEUTICALS, INC.,
PARMED PHARMACEUTICALS, INC.,
GENEVA PHARMACEUTICALS, INC.,
KING PHARMACEUTICALS, INC.,
UNITED RESEARCH LABORATORIES INC.,
UPJOHN COMPANY,
HARBOR PHARM, H.C.F.A., FFP.,

VORTECH PHARMS,
AM PHARMS,
HYREX PHARMS,
ALIGEN INDEPEND,
GENETCO,
IDE-INTERSTATE,
HARVARD DRUG GROUP, LLC
D/B/A MAJOR PHARMACEUTICALS,
H.L. MOORE DRUG EXCHANGE, INC.,
A.F. HAUSER,
DURAMED PHARMACEUTICALS, INC.,
ROBERTS PHARMACEUTICALS CORP.,
LES LABORATOIRES SERVIER,
SCIENCE UNION et CIE,
SERVIER AMERIQUE,
ORIL PRODUITS CHIMIQUES, SA
ORIL RECHERCHE,
ORSEM,
VARIOUS INDIVIDUALLY NAMED PHYSICIANS,
HEALTH CARE PROVIDERS, DIET CENTERS,
CLINICS AND HEALTH CARE FACILITIES,
PHARMACIES AND OTHER PRESCRIBING
ENTITIES,

Defendants.

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The plaintiffs as their claim against defendants allege as follows:

GENERAL ALLEGATIONS

1. Plaintiffs are citizens and residents of the State of _____.

2. Plaintiffs are users of defendants' fenfluramine, dexfenfluramine and/or phentermine products, who were injured by such products as were, in specific cases, their spouses or representatives.

3. Defendant, AMERICAN HOME PRODUCTS CORPORATION, is a Delaware Corporation, which has its principal place of business in New Jersey; defendant, WYETH-AYERST LABORATORIES, is a Division of AMERICAN HOME PRODUCTS CORPORATION, which has its principal place of business in New Jersey; A.H. ROBINS COMPANY, INCORPORATED was a Delaware corporation which had its principal place of business in Virginia. On August 3, 1998, A.H. ROBINS COMPANY, INC. was merged into AMERICAN HOME PRODUCTS CORPORATION; defendant, WYETH-AYERST PHARMACEUTICALS INC., is a New York domestic corporation which has its principal place of business in Pennsylvania, and is the survivor company of WYETH LABORATORIES INC., which was merged into AYERST LABORATORIES INC. on January 1, 1999, and this surviving company's name was changed to WYETH-AYERST PHARMACEUTICALS INC.; defendant, INTERNEURON PHARMACEUTICALS, INC., is a Delaware Corporation, which has its principal place of business in Massachusetts; defendant, SMITHKLINE BEECHAM CORPORATION, is a Pennsylvania Corporation, which has its principle place of business in Pennsylvania; defendant, MEDEVA PHARMACEUTICALS, INC., is a Delaware Corporation, which has its principal place of business in Rochester, New York; defendant, MEDEVA PHARMACEUTICALS MANUFACTURING, INC., is a Delaware Corporation, which has its principal place of business in Rochester, New York; defendant,

FISONS CORPORATION, is a Massachusetts Corporation, which has its principal place of business in Collegeville, Pennsylvania; defendant, EON LABS MANUFACTURING, INC., is a Delaware Corporation, which has its principle place of business in New York; defendant, ZENITH GOLDLINE PHARMACEUTICALS, INC. is a Florida Corporation, which has its principal place of business in Florida; defendant, GOLDLINE LABORATORIES INC., is a Florida Corporation, which has its principal place of business in Florida; defendant, ION LABORATORIES, INC., is a Texas Corporation, which has its principal place of business in Texas; defendant, GATE PHARMACEUTICALS, is an unincorporated division of TEVA PHARMACEUTICALS USA, INC., which is a Delaware Corporation, which has its principal place of business in Pennsylvania; defendant, JONES MEDICAL INDUSTRIES, INC., f/k/a ABANA PHARMACEUTICALS, INC., is a Delaware Corporation, which has its principal place of business in Missouri; defendant, ABANA PHARMACEUTICALS, INC., is a Delaware Corporation, which has its principal place of business in Missouri; defendant, SHIRE RICHWOOD INC., is a Kentucky Corporation, which has its principal place of business in Kentucky, and was formerly known as RICHWOOD PHARMACEUTICALS COMPANY, INC.; defendant RUGBY LABORATORIES, INC., a/k/a RUGBY GROUP, INC., is a New York Corporation, which has its principal place of business in

Georgia; defendant, SEATRACE PHARMACEUTICALS, INC., is an Alabama Corporation, which has its principal place of business in Alabama; defendant ROSEMONT PHARMACEUTICALS, INC., is a Delaware Corporation, which has its principal place of business in Colorado; defendant CALVIN SCOTT & COMPANY, is a Corporation, which has its principal place of business in New Mexico; defendant, QUALITEST PHARMACEUTICALS, INC., a/k/a QUALITY RES PHARMACEUTICALS, INC., is a Corporation; defendant, PARMED PHARMACEUTICALS, INC., is a New York Corporation, which has its principal place of business in New York; defendant, GENEVA PHARMACEUTICALS, INC., is a Colorado Corporation, which has its principal place of business in Colorado; defendant, KING PHARMACEUTICALS, INC., is a Tennessee Corporation, which has its principal place of business in Tennessee; defendant, UNITED RESEARCH LABORATORIES, INC., is a Pennsylvania Corporation, which has its principal place of business in Pennsylvania; defendant, UPJOHN COMPANY, is a Michigan Corporation, which has its principal place of business in Michigan; defendant HARBOR PHARM, H.C.F.A., FFP., is a Corporation; defendant, VORTECH PHARMS, is a Corporation; defendant, AM PHARMS, is a Corporation; defendant, HYREX PHARMS, is a Corporation; defendant, ALIGEN INDEPEND, is a Corporation; defendant, GENETCO, is a Corporation; defendant, IDE-INTERSTATE, is a

Corporation; defendant, HARVARD DRUG GROUP, LLC D/B/A MAJOR PHARMACEUTICALS, is a Corporation; defendant, H.L. MOORE DRUG EXCHANGE, INC., is a Corporation; defendant, A.F. HAUSER, is a Corporation; defendant, DURAMED PHARMACEUTICALS, INC., is a Delaware Corporation, which has its principal place of business in Cincinnati, Ohio; defendant, ROBERTS PHARMACEUTICALS CORP., is a New Jersey Corporation, which has its principal place of business in Eatontown, New Jersey; defendant, LES LABORATOIRES SERVIER (hereinafter referred to as "LLS"), is a French Corporation, which has its principal place of business in the country of France; defendant, SCIENCE UNION et CIE, is a French Corporation and an "affiliate" of LLS, and has its principal place of business in the country of France; defendant, SERVIER AMERIQUE, is a French Corporation and an "affiliate" of LLS, and has its principal place of business in the country of France (and represents the interests of LLS in North and South America); defendant, ORIL PRODUITS CHIMIQUES, SA, is a French Corporation "related to" LLS, and has its principal place of business in the country of France; ORIL RECHERCHE, is a French Corporation "related to" LLS, and has its principal place of business in the country of France; defendant, ORSEM, is a French Corporation and an "affiliate" of LLS, and has its principal place of business in the country of France. The aforementioned

defendants will hereafter, collectively be referred to as "Product Defendants."

4. At all times relevant hereto, these product defendants were engaged in the business of supplying, manufacturing, labeling, distributing, promoting, developing, testing and selling the drugs Pondimin (fenfluramine), Redux (dexfenfluramine) and/or phentermine. The product defendants do business in New York and, at all times relevant hereto, sold and/or supplied Pondimin (fenfluramine), Redux (dexfenfluramine) and/or phentermine in interstate commerce and in the state of New York.

5. These drug products are Schedule IV Controlled Substances, pursuant to Federal and New York State laws and regulations.

6. The plaintiffs' lawsuit falls within one of the enumerated exceptions in Article 16 of the CPLR, specifically Section 1602.

7. By virtue of the conduct alleged below, plaintiffs sustained serious and permanent physical, mental and emotional pain and suffering, have suffered economic loss, have been damaged in a sum that exceeds the jurisdictional limits of all lower Courts and demand a Judgment against the defendants, jointly, severally, and alternatively, for damages plus interest

and costs of suit on this cause of action.

SECTION A. PRODUCT LIABILITY OF MANUFACTURERS, SUPPLIERS AND DISTRIBUTORS

FIRST CAUSE OF ACTION -- NEGLIGENCE

8. Plaintiffs repeat the prior allegations of this Complaint as if set forth fully here.

9. At all times relevant hereto, the product defendants developed, manufactured, labeled, distributed, promoted and sold their respective drug products.

10. At all times relevant hereto, the product defendants were negligent in the testing, labeling, promotion and sale of their respective drug products.

11. At all times relevant hereto, the product defendants were aware of, and profited from, the facts that their product was being prescribed and used in the various combinations and that such use was dangerous and unsanctioned by the Food and Drug Administration.

12. As a result of plaintiffs' use of the said drugs, plaintiffs developed heart and/or lung damage and otherwise have been permanently, physically, mentally, and emotionally injured and have suffered economic loss.

13. After notice of problems with said drug products and the knowledge that injuries had occurred as a result of the use

of said products, the product defendants negligently failed to issue warnings, recall the product, publicize the problem, and otherwise act properly and in a timely manner to alert the public of the drugs' inherent dangers.

14. At all times relevant hereto, the product defendants carelessly and negligently sold and promoted their respective drug products as safe and effective; knew that the drug products would not substantially reduce weight or reduce weight for a long period of time; knew that the drug products were and still are associated with serious and potentially fatal side effects; did not warn the plaintiffs that the drug products are controlled substances; did not warn the plaintiffs that the drug products were not approved for use to be prescribed for a long period of time or for use in conjunction with other weight loss drugs; did not warn that the prescribing doctors should be limited to those who specialized in the treatment of obesity; promoted the drug products for cosmetic weight loss and not limited to usage for morbid obesity; did not warn the plaintiffs that the combination use of these drug products had not been studied, as to safety, in animals or humans; violated the controlled substance laws; encouraged misuse and overuse while underplaying side effects to doctors and the public in order to make a profit from sales; preyed on the cupidity of doctors and

the fears of overweight members of American society and were otherwise negligent.

15. The product defendants were careless, grossly negligent, willful, wanton, malicious and exhibited a deliberate and total disregard for public health and safety in the design, testing, manufacturing, labeling, promotion, marketing and distribution of their respective drug products, alone and/or in combination and in failing to warn the plaintiffs, their prescribing doctors or other dispensing entities, the FDA and the consuming public of the dangers which were well known to the product defendants.

16. The product defendants realized the imminence of danger to the plaintiffs and other members of the consuming public but continued their aggressive marketing and promotional tactics with deliberate disregard, complete indifference and lack of concern for the probable consequences of their acts. An award of punitive and exemplary damages is therefore necessary to punish the product defendants and to deter any reoccurrence of this intolerable conduct. Consequently, the plaintiffs are entitled to an award of punitive and exemplary damages.

SECOND CAUSE OF ACTION -- STRICT PRODUCT LIABILITY

17. Plaintiffs repeat the prior allegations of this Complaint as if set forth fully here.

18. The product defendants' respective drug products were defective because they were not reasonably safe as intended to be used; the defect existed at the time the products left the product defendants' hands; the plaintiffs used the products for its intended purpose, i.e., weight loss, took the drug products as prescribed and for the purpose for which it was marketed and prescribed; the plaintiffs could not have discovered any defect in the drug products through the exercise of care; and the defect was a substantial factor in causing the injuries sustained by plaintiffs.

19. The fenfluramine, dexfenfluramine and/or phentermine manufactured and/or supplied by defendants was defective in design or formulation in that, when it left the hands of the manufacturers and/or suppliers, the foreseeable risks exceeded the possible benefits associated with the design and/or formulation, especially since any weight loss experienced was transitory.

20. Alternatively, the fenfluramine, dexfenfluramine and/or phentermine manufactured and/or supplied by defendants was defective in design or formulation, in that, when it left the hands of the manufacturers and/or suppliers, it was unreasonably dangerous.

THIRD CAUSE OF ACTION -- BREACH OF EXPRESS WARRANTY

21. Plaintiffs repeat the prior allegations of this Complaint as if set forth fully here.

22. By the conduct as alleged, the product defendants expressly warranted to the injured plaintiffs and their treating physicians that the drugs were merchantable and fit for the purpose intended.

23. This warranty was breached when the plaintiffs were injured.

FOURTH CAUSE OF ACTION -- BREACH OF IMPLIED WARRANTY

24. Plaintiffs repeat the prior allegations of this Complaint as if set forth fully here.

25. By the conduct as alleged, the product defendants impliedly warranted to the injured plaintiffs and their treating physicians that the drugs were merchantable and fit for the purpose intended.

26. This warranty was breached when the plaintiffs were injured.

FIFTH CAUSE OF ACTION -- FRAUD AND MISREPRESENTATION

27. Plaintiffs repeat the prior allegations of this complaint as if set forth fully here.

28. The product defendants fraudulently, intentionally, and negligently misrepresented the safety and effectiveness of their product and fraudulently, intentionally, and negligently

concealed material adverse information regarding the safety and effectiveness of their product.

29. The product defendants made these misrepresentations and actively concealed adverse information at a time when the product defendants knew, or should have known, that their drug products had defects, dangers, and characteristics that were other than what the product defendants had represented to the prescribing doctors or other dispensing entities, the FDA and the consuming public, including the plaintiffs herein. Specifically, the product defendants misrepresented to and/or actively concealed from plaintiffs, their prescribing doctors and other dispensing entities, the FDA and the consuming public that:

(a) it was dangerous to prescribe phentermine and fenfluramine in combination;

(b) the FDA had not approved the use of these drugs in combination;

(c) these drugs were not intended for cosmetic weight-loss;

(d) fenfluramine, dexfenfluramine and/or phentermine used alone and/or in combination carried the risk of serious adverse effects;

(e) after discontinuing use, most users of the drugs,

either alone or in combination, regained any weight lost as a result of their initial ingestion;

(f) there had been insufficient studies regarding the safety and efficacy of fenfluramine, dexfenfluramine and/or phentermine used alone and/or in combination for use in treating weight loss;

(g) while knowing that there had been insufficient or inadequate testing of these drugs either alone or in combination, the product defendants aggressively marketed, promoted and sold their drug products as if they were fully and adequately tested, safe and effective; and

(h) prior studies, research and testing had been conducted linking the use of fenfluramine, dexfenfluramine and/or phentermine used alone and/or in combination or with chemically similar diet drugs to serious adverse reactions.

30. The misrepresentations of and/or active concealment by the product defendants was perpetrated directly and/or indirectly by the product defendants, their sales representatives, employees, agents and/or detail persons.

31. The product defendants misrepresented the safety and efficacy of their drug products in their labeling, advertising, promotional materials, or other marketing efforts.

32. The product defendants made these misrepresentations

and/or actively concealed this information with the intention and specific desire that the plaintiffs, their prescribing doctors or other dispensing entities and the consuming public, would rely on such, in selecting treatment for weight-loss.

33. Plaintiffs, their prescribing doctors or other dispensing entities relied on, and were induced by, the product defendants' misrepresentations and/or active concealment in selecting treatment for weight-loss and suffered damages as a direct and proximate result.

SIXTH CAUSE OF ACTION - NEGLIGENCE PER SE

34. Plaintiffs repeat the prior allegations of this Complaint as if set forth fully here.

35. At all times herein mentioned, product defendants had an obligation not to violate the law, in the manufacture, design, formulation, compounding, testing, production, processing, assembly, inspection, research, distribution, marketing, labeling, packaging, preparation for use, sale and warning of the risks and dangers of their drug products.

36. At all times herein mentioned, product defendants violated the Federal Food, Drug and Cosmetic Act, 21 U.S.C. Section 301, et seq., related amendments, codes and federal regulations provided thereunder, New York's Gen.Bus.Law §392-b (1997)(false labels and misrepresentations) and regulations

promulgated thereunder and other applicable laws, statutes and regulations.

37. Plaintiffs, as purchasers and consumers of the product defendants' drug products, are within the class of persons the statutes described above are designed to protect, and the plaintiffs' injuries are the type of harm these statutes are designed to prevent.

38. The product defendants failed to meet the standard of care set by the following regulations, which were intended for the benefit of individuals such as the plaintiffs, making the product defendants negligent per se:

(a) the labeling lacked adequate information on the use of the fenfluramine and phentermine combination, even though the product defendants were aware of the widespread use of this combination [21 C.F.R. Section 201.56(a) and (d)];

(b) the labeling lacked adequate information on the approximate kind, degree and duration of expected improvement, alone or in combination in violation of 21 C.F.R. Section 201,57(c)(3)(i);

(c) the labeling did not state that there was a lack of evidence to support the common belief of the safety and efficacy of the use of fenfluramine and phentermine in combination [21 C.F.R. 201.57(c)(3)(1) and (iv) and (c)(2)];

(d) the labeling failed to add warnings for primary pulmonary hypertension, pulmonary hypertension, valvular heart disease, serious heart conditions, serious lung damage, and serious brain conditions, as soon as there was reasonable evidence of their association with these drug products, either alone or with the combined use of fenfluramine and phentermine [21 C.F.R. 201.57(e)];

(e) there was inadequate information for patients for the safe and effective use of the product defendants' drug products, alone or in the fenfluramine and phentermine combination in violation of C.F.R. 201.57(f)(2);

(f) there was inadequate information regarding special care to be exercised by the doctor for safe and effective use of the product defendants' drug products and the product defendants' drug products in the fenfluramine and phentermine combination in violation of 21 C.F.R. 201.57(f)(1);

(g) the labeling was misleading and promotional in violation of 21 C.F.R. 201.56(b).

SEVENTH CAUSE OF ACTION - VIOLATION OF NEW YORK'S GENERAL BUSINESS LAW

39. Plaintiffs repeat the prior allegations of this Complaint as if set forth fully here.

40. The product defendants knew, or in the exercise of

reasonable care, should have known that their respective drug products alone or in combination were not reasonably safe as designed, manufactured, tested and marketed.

41. The product defendants knew that their respective drug products alone or in combination carried the risk of serious adverse effects including serious heart conditions, serious lung damage, and serious brain conditions to their intended users, including the plaintiffs herein.

42. The product defendants were negligent, careless and reckless in failing to warn their intended users, including plaintiffs herein, of the above unreasonable risks associated with the use of the product defendants' drug products either alone or in combination.

43. These acts, representations and/or omissions by the product defendants constitute unconscionable commercial practices in connection with the sale of merchandise and false advertising and deceptive and misleading practices within the meaning of New York's Consumer Protection from Deceptive Acts and Practices Act, General Business Law §§ 349 and 350.

EIGHTH CAUSE OF ACTION - CONCERT OF ACTION

44. Plaintiffs repeat the prior allegations of this Complaint as if set forth fully here.

45. The product defendants, with concerted action and with

a common plan, scheme or design, did jointly and severally research, develop, market, manufacture and distribute, fenfluramine, dexfenfluramine and/or phentermine.

46. This concert of action was between and among the product defendants implicitly through their conduct.

47. This concert of action was between and among the product defendants by an explicit agreement, imitative behavior and/or conscious parallel behavior.

48. This concert of action caused an indivisible injury to the plaintiffs so situated.

NINTH CAUSE OF ACTION - ALTERNATE LIABILITY

49. Plaintiffs repeat the prior allegations of this Complaint as if set forth fully here.

50. The product defendants, with a common plan, scheme or design, conspired together to manufacture and distribute fenfluramine, dexfenfluramine and/or phentermine.

TENTH CAUSE OF ACTION - MARKET SHARE LIABILITY

51. Plaintiffs repeat the prior allegations of this Complaint as if set forth fully here.

52. The product defendants , with a common plan, scheme or design, conspired together to manufacture and distribute fenfluramine, dexfenfluramine and/or phentermine.

53. Each of the product defendants jointly and/or

separately maintained or presently maintain a "substantial share" of the relevant market for fenfluramine, dexfenfluramine and/or phentermine.

ELEVENTH CAUSE OF ACTION - ENTERPRISE LIABILITY

54. Plaintiffs repeat the prior allegations of this Complaint as if set forth fully here.

55. The product defendants, acting in concert, and with a common plan, scheme or design, set an unsafe standard for testing fenfluramine, dexfenfluramine and/or phentermine.

56. The product defendants, acting in concert, failed to set a safe standard for testing fenfluramine, dexfenfluramine and/or phentermine.

TWELFTH CAUSE OF ACTION -
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

57. Plaintiffs repeat the prior allegations of this Complaint as if set forth fully here.

58. The product defendants conduct, either individually or collectively, in designing, manufacturing, selling, distributing, or marketing fenfluramine, dexfenfluramine, and/or phentermine alone and/or in combination was so reckless and/or intentionally outrageous, atrocious, utterly intolerable, and transcending all possible bounds of decency in a civilized society that, as a result, plaintiffs have suffered severe

emotional distress.

59. The product defendants conduct, either individually or collectively, in failing to correct the defect in their respective products, failing to warn the plaintiffs, their doctors or other prescribing entities, the FDA or the consuming public about the dangerous adverse affects of ingesting fenfluramine, dexfenfluramine, and/or phentermine alone and/or in combination was so reckless and/or intentionally outrageous, atrocious, utterly intolerable, and transcending all possible bounds of decency in a civilized society that, as a result, plaintiffs have suffered severe emotional distress.

SECTION B. LIABILITY OF DIET CENTERS, CLINICS AND PHARMACIES

60. The diet centers and clinic defendants will hereafter collectively be referred to as "diet center defendants."

61. The pharmacy defendants will hereafter collectively be referred to as "pharmacy defendants."

THIRTEENTH CAUSE OF ACTION - NEGLIGENCE OF DIET CENTER DEFENDANTS

62. Plaintiffs repeat the prior allegations of this Complaint as if set forth fully here.

63. The diet center defendants undertook and agreed to render medical care, advice and treatment to plaintiffs.

64. Plaintiffs were patients under the professional care

and treatment of the diet center defendants, their agents, servants and employees.

65. The diet center defendants, their agents, servants and employees, were negligent, reckless and careless in the medical care and treatment rendered to plaintiffs.

66. The treatment rendered by the diet center defendants, their agents, servants and/or employees was not in accord with good and acceptable standards of medical care.

67. The diet center defendants were careless, grossly negligent, willful, wanton, malicious and exhibited a deliberate and total disregard for the public health and safety in the marketing, prescribing, selling, and distribution of fenfluramine, dexfenfluramine and/or phentermine alone and/or in combinations and in failing to warn the plaintiffs of the dangers which were well known to the diet center defendants.

68. The diet center defendants realized the imminence of danger to the plaintiffs and other members of the consuming public but continued their aggressive marketing and promotional tactics with deliberate disregard, complete indifference and lack of concern for the probable consequences of their acts. An award of punitive and exemplary damages is therefore necessary to punish the diet center defendants and to deter any reoccurrence of this intolerable conduct. Consequently, the

plaintiffs are entitled to an ward of punitive and exemplary damages.

FOURTEENTH CAUSE OF ACTION - MEDICAL MALPRACTICE BY DIET CENTER DEFENDANTS

69. Plaintiffs repeat the prior allegations of this Complaint as if set forth fully here.

70. At all times relevant hereto, the diet center defendants undertook and agreed to render medical care and treatment to the plaintiffs and did render such care and treatment.

71. The diet center defendants were negligent in the services rendered to and on behalf of the plaintiffs, in failing to use reasonable care; in failing to properly examine the plaintiffs and failing to heed the plaintiffs' conditions; in departing from accepted standards in the procedures and treatment performed; in failing to follow appropriate practices; in prescribing and dispensing fenfluramine, dexfenfluramine and/or phentermine alone and/or in combination; in failing to warn the plaintiffs of the risks of said treatment and in all respects were otherwise negligent.

72. As a competent producing result of the foregoing, the plaintiffs suffered permanent and serious personal, mental and emotional injuries and has incurred special damages.

FIFTEENTH CAUSE OF ACTION - LACK OF INFORMED CONSENT BY DIET CENTER DEFENDANTS

73. Plaintiffs repeat the prior allegations of this Complaint as if set forth fully herein.

74. The diet center defendants, their agents servants and employees failed to properly and adequately advise plaintiff, of the risks, hazards and dangers inherent in the treatment rendered, failed to advise the plaintiffs, of the alternatives thereto, and failed to obtain an informed consent.

75. The diet center defendants, their agents, servants, employees and/or others acting within their control failed to disclose to plaintiff, such alternatives to the treatment/diagnosis and reasonably foreseeable risks and benefits involved as reasonable medical practitioners under similar circumstances would have disclosed in a manner permitting the patient to make a knowledgeable evaluation.

76. Reasonably prudent persons in the plaintiffs' positions would not have undergone the same treatment if they had been fully informed.

77. Reasonably prudent persons in plaintiffs' positions would not have undergone the diet center defendants' prescribed treatment and procedures if they had been fully informed.

78. The lack of informed consent is a direct and proximate

cause of the injuries and/or conditions for which the plaintiffs are seeking relief.

SIXTEENTH CAUSE OF ACTION - NEGLIGENCE OF PHARMACY DEFENDANTS

79. Plaintiffs repeat the prior allegations of this Complaint as if set forth fully here.

80. The pharmacy defendants undertook and agreed to render medical and pharmaceutical care and treatment to plaintiffs.

81. The pharmacy defendants, their agents, servants and employees, were negligent, reckless and careless in the medical and pharmaceutical care and advice rendered to plaintiffs.

82. The attention and advice rendered by the pharmacy defendants, their agents, servants and employees was not in accord with good and acceptable standards of medical care.

83. The pharmacy defendants, their agents, servants and employees were obligated by law to issue warnings and provide information, including the dangers and status of prescription drug combinations, off label use and adverse reactions to the plaintiffs.

84. The pharmacy defendants were careless, grossly negligent, willful, wanton, malicious and exhibited a deliberate and total disregard for the public health and safety in the selling, and distribution of fenfluramine, dexfenfluramine

and/or phentermine alone and/or in combinations and in failing to warn the plaintiffs of the dangers which were well known to the pharmacy defendants.

85. The pharmacy defendants realized the imminence of danger to the plaintiffs and other members of the consuming public but continued conduct with deliberate disregard, complete indifference and lack of concern for the probable consequences of their acts. An award of punitive and exemplary damages is therefore necessary to punish the pharmacy defendants and to deter any reoccurrence of this intolerable conduct. Consequently, the plaintiffs are entitled to an award of punitive and exemplary damages.

SECTION C. LIABILITY OF PHYSICIANS

86. The physician defendants will hereafter collectively be referred to as "physician defendants."

SEVENTEENTH CAUSE OF ACTION - MEDICAL MALPRACTICE

87. Plaintiffs repeat the prior allegations of this Complaint as if set forth fully here.

88. At all times relevant hereto, the physician defendants undertook and agreed to render medical care and treatment to the plaintiffs and did render such care and treatment.

89. The physician defendants were negligent in the services

rendered to, and on behalf of, the plaintiffs, in failing to use reasonable care; in failing to properly examine the plaintiffs and failing to heed the plaintiffs' conditions; in departing from accepted standards in the procedures and treatment performed; in failing to follow appropriate practices; in prescribing and dispensing fenfluramine, dexfenfluramine and/or phentermine alone and/or in combination; in failing to warn the plaintiffs of the risks of said treatment and in all respects were otherwise negligent.

EIGHTEENTH CAUSE OF ACTION - LACK OF INFORMED CONSENT

90. Plaintiffs repeat the prior allegations of this Complaint as if set forth fully herein.

91. The physician defendants failed to provide the plaintiffs with the information that reasonably prudent medical practitioners should have provided under the circumstances and the physician defendants failed to make plaintiffs aware of the risks and benefits of, the alternatives to the procedures employed.

92. Reasonably prudent persons, being fully informed, would not have consented to the procedures employed by the physician defendants.

93. The procedures employed and the failure to employ appropriate procedures, were the competent producing cause of

the injuries suffered by the plaintiff.

SECTION D. SPECIAL PLAINTIFFS

NINETEENTH CAUSE OF ACTION - LOSS OF CONSORTIUM

94. Plaintiffs repeat the prior allegations of this Complaint as if set forth fully here.

95. At all times relevant hereto, the plaintiffs were spouses, and as such the spousal plaintiffs were entitled to the services and society of the injured plaintiff.

96. At all times relevant hereto, the spousal plaintiff was, and still is, responsible for the care, maintenance and medical expenses of the injured plaintiff.

97. At all times relevant hereto, the spousal plaintiff was deprived of the services and society of the injured plaintiff and became liable for any and all expenses incurred on the injured plaintiff's behalf.

TWENTIETH CAUSE OF ACTION - WRONGFUL DEATH

98. Plaintiffs repeat the prior allegations of this Complaint as if set forth fully herein.

99. Prior to the commencement of this action, plaintiffs were appointed Administrators of the Estates of the deceased by the Surrogate's Court.

100. By reason of the injuries sustained by plaintiffs' decedents, and as a result of the defendants' conduct, they

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

----------X

IN RE: NEW YORK DIET DRUG LITIGATION — Index No.700000/98

----------X

VARIOUS NAMED INDIVIDUALS, — Index No._____

Plaintiffs,

-against-

AMENDED VERIFIED COMPLAINT BY ADOPTION

AMERICAN HOME PRODUCTS CORP.,
WYETH-AYERST LABORATORIES, a Division of AMERICAN HOME PRODUCTS CORP.,
A.H. ROBINS COMPANY, INC.,
WYETH-AYERST PHARMACEUTICALS INC., F/K/A WYETH LABORATORIES INC.,
INTERNEURON PHARMACEUTICALS, INC.,
SMITHKLINE BEECHAM CORP.,
MEDEVA PHARMACEUTICALS, INC.,
MEDEVA PHARMACEUTICALS MANUFACTURING, INC.,
FISONS CORPORATION,
EON LABS MANUFACTURING, INC.,
ZENITH GOLDLINE PHARMACEUTICALS, INC.,
GOLDLINE LABORATORIES, INC.,
ION LABORATORIES, INC.,
GATE PHARMACEUTICALS, a Division of TEVA PHARMACEUTICALS USA, INC.,
TEVA PHARMACEUTICALS USA, INC.,
JONES MEDICAL INDUSTRIES, INC., F/K/A ABANA PHARMACEUTICALS, INC.,
ABANA PHARMACEUTICALS, INC.,
SHIRE RICHWOOD INC., F/K/A RICHWOOD PHARMACEUTICALS COMPANY, INC.,
RUGBY LABORATORIES, INC., A/K/A RUGBY GROUP, INC.,
SEATRACE PHARMACEUTICALS, INC.,
ROSEMONT PHARMACEUTICALS, INC.,
CALVIN SCOTT & COMPANY,
QUALITEST PHARMACEUTICALS, INC., A/K/A QUALITY RES PHARMACEUTICALS, INC.,
PARMED PHARMACEUTICALS, INC.,
GENEVA PHARMACEUTICALS, INC.,
KING PHARMACEUTICALS, INC.,
UNITED RESEARCH LABORATORIES INC.,

UPJOHN COMPANY,
HARBOR PHARM, H.C.F.A., FFP.,
VORTECH PHARMS,
AM PHARMS,
HYREX PHARMS,
ALIGEN INDEPEND,
GENETCO,
IDE-INTERSTATE,
HARVARD DRUG GROUP, LLC
D/B/A MAJOR PHARMACEUTICALS,
H.L. MOORE DRUG EXCHANGE, INC.,
A.F. HAUSER,
DURAMED PHARMACEUTICALS, INC.,
ROBERTS PHARMACEUTICALS CORP.,
LES LABORATOIRES SERVIER,
SCIENCE UNION et CIE,
SERVIER AMERIQUE,
ORIL PRODUITS CHIMIQUES, SA
ORIL RECHERCHE,
ORSEM,
VARIOUS INDIVIDUALLY NAMED PHYSICIANS,
HEALTH CARE PROVIDERS, DIET CENTERS,
CLINICS AND HEALTH CARE FACILITIES,
PHARMACIES AND OTHER PRESCRIBING
ENTITIES,

Defendants.
----------X

COUNSEL IS CAUTIONED THAT THEY SHOULD USE PRUDENCE IN CHECKING ONLY THOSE DEFENDANTS AND CAUSES OF ACTION APPLICABLE TO THE FACTS OF THE INDIVIDUAL CLAIM.

COMPLAINT AND ADOPTION BY REFERENCE

1. Plaintiff(s),_____, a citizen and resident of _____, states his/her claims against the defendants indicated below as follows and incorporates by

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reference the relevant portions of the Amended Master Complaint on file with the New York County Clerk, in the matter entitled In Re: New York Diet Drug Litigation, now pending in the Supreme Court of the State of New York, New York County, before the Hon. Helen E. Freedman, Index No. 700,000/98.

2. Plaintiff,_____, a citizen and resident of _____, claims damages as a result of loss of consortium.

ALLEGATIONS AS TO INJURIES

3. The plaintiff has suffered injuries as a result of having ingested defendants products:

____ FENFLURAMINE

____ DEXFENFLURAMINE

____ PHENTERMINE

alone and/or in combination. The defendants listed below, one or more of them, by their actions or inactions, proximately caused plaintiff's injuries.

4. As a result of the injuries that plaintiff has sustained, she is entitled to recover compensatory and punitive

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damages.

5. That between _____ and _____ the plaintiff ingested one or more of the above referenced drugs.

6. As a result of the Plaintiffs ingestion of the drug(s) Plaintiffs were injured.

7. To the extent that this complaint includes a claim for loss of consortium, that plaintiff is entitled to recover compensatory and punitive damages.

ALLEGATIONS AS TO DEFENDANTS

8. The following entities are named as defendants herein and the allegations with regard thereto in the Amended Master Complaint are herein adopted by reference.

_____ AMERICAN HOME PRODUCTS CORP.
_____ WYETH-AYERST LABORATORIES, a Division of AMERICAN HOME PRODUCTS CORP.
_____ A.H. ROBINS COMPANY, INC.
_____ WYETH-AYERST PHARMACEUTICALS INC., F/K/A/ WYETH LABORATORIES INC.,
_____ INTERNEURON PHARMACEUTICALS, INC.
_____ SMITHKLINE BEECHAM CORP.
_____ MEDEVA PHARMACEUTICALS, INC.
_____ MEDEVA PHARMACEUTICALS MANUFACTURING, INC.,
_____ FISONS CORPORATION
_____ EON LABS MANUFACTURING, INC.

COUNSEL IS CAUTIONED THAT THEY SHOULD USE PRUDENCE IN CHECKING ONLY THOSE DEFENDANTS AND CAUSES OF ACTION APPLICABLE TO THE FACTS OF THE INDIVIDUAL CLAIM.

_____ ZENITH GOLDLINE PHARMACEUTICALS, INC.
_____ GOLDLINE LABORATORIES, INC.,
_____ ION LABORATORIES, INC.
_____ GATE PHARMACEUTICALS, a Division of
TEVA PHARMACEUTICALS, INC.
_____ TEVA PHARMACEUTICALS, INC.
_____ JONES MEDICAL INDUSTRIES, INC.
F/K/A ABANA PHARMACEUTICALS, INC.
_____ ABANA PHARMACEUTICALS, INC.
_____ SHIRE RICHWOOD INC., F/K/A
RICHWOOD PHARMACEUTICALS COMPANY, INC.,
_____ RUGBY LABORATORIES, INC.,
A/K/A RUGBY GROUP, INC.,
_____ SEATRACE PHARMACEUTICALS, INC.
_____ ROSEMONT PHARMACEUTICALS, INC.
_____ CALVIN SCOTT & COMPANY,
_____ QUALITEST PHARMACEUTICALS, INC.,
A/K/A QUALITY RES PHARMACEUTICALS, INC.,
_____ PARMED PHARMACEUTICALS, INC.
_____ GENEVA PHARMACEUTICALS, INC.
_____ KING PHARMACEUTICALS, INC.
_____ UNITED RESEARCH LABORATORIES, INC.
_____ UPJOHN COMPANY
_____ HARBOR PHARM, H.C.F.A., PFP.,
_____ VORTECH PHARMS,
_____ AM PHARMS,
_____ HYREX PHARMS,
_____ ALIGEN INDEPEND,
_____ GENETCO,
_____ IDE-INTERSTATE,
_____ HARVARD DRUG GROUP, LLC D/B/A MAJOR PHARMACEUTICALS,
_____ H.L. MOORE DRUG EXCHANGE, INC.,
_____ A.F. HAUSER,
_____ DURAMED PHARMACEUTICALS, INC.
_____ ROBERTS PHARMACEUTICALS CORP.,
_____ LES LABORATOIRES SERVIER,
_____ SCIENCE UNION et CIE,
_____ SERVIER AMERIQUE,

COUNSEL IS CAUTIONED THAT THEY SHOULD USE PRUDENCE IN CHECKING ONLY THOSE DEFENDANTS AND CAUSES OF ACTION APPLICABLE TO THE FACTS OF THE INDIVIDUAL CLAIM.

_____ ORIL PRODUITS CHIMIQUES, SA
_____ ORIL RECHERCHE,
_____ ORSEM,
_____ VARIOUS INDIVIDUALLY NAMED PHYSICIANS

_____ HEALTH CARE PROVIDERS, DIET CENTERS, CLINICS AND HEALTH CARE FACILITIES

_____ PHARMACIES

_____ OTHER PRESCRIBING ENTITIES

THEORIES OF RECOVERY

9. The following claims asserted in the Amended Master Complaint and the allegations with regard thereto in the Amended Master Complaint are herein adopted by reference:

SECTION A. PRODUCT LIABILITY OF MANUFACTURERS, SUPPLIERS AND DISTRIBUTORS

_____ FIRST CAUSE OF ACTION ---- NEGLIGENCE
Except as to Defendant(s):_____
_____ SECOND CAUSE OF ACTION --- STRICT PRODUCT LIABILITY
Except as to Defendant(s):_____
_____ THIRD CAUSE OF ACTION ---- BREACH OF EXPRESS WARRANTY
Except as to Defendant(s):_____
_____ FOURTH CAUSE OF ACTION --- BREACH OF IMPLIED WARRANTY
Except as to Defendant(s):_____
_____ FIFTH CAUSE OF ACTION ---- FRAUD AND MISREPRESENTATION
Except as to Defendant(s):_____
_____ SIXTH CAUSE OF ACTION ---- NEGLIGENCE PER SE
Except as to Defendant(s):_____

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_____ SEVENTH CAUSE OF ACTION -- VIOLATION OF NEW YORK'S GENERAL BUSINESS LAW
Except as to Defendant(s):_____

_____ EIGHTH CAUSE OF ACTION --- CONCERT OF ACTION
Except as to Defendant(s):_____

_____ NINTH CAUSE OF ACTION -----ALTERNATE LIABILITY
Except as to Defendant(s):_____

_____ TENTH CAUSE OF ACTION ---- MARKET SHARE LIABILITY
Except as to Defendant(s):_____

_____ ELEVENTH CAUSE OF ACTION - ENTERPRISE LIABILITY
Except as to Defendant(s):_____

_____ TWELFTH CAUSE OF ACTION -- INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
Except as to Defendant(s):_____

SECTION B. LIABILITY OF DIET CENTERS, CLINICS AND PHARMACIES

_____ THIRTEENTH CAUSE OF ACTION --- NEGLIGENCE OF DIET CENTER DEFENDANTS

_____ FOURTEENTH CAUSE OF ACTION --- MEDICAL MALPRACTICE BY DIET CENTER DEFENDANTS

_____ FIFTEENTH CAUSE OF ACTION -- LACK OF INFORMED CONSENT BY DIET CENTER DEFENDANTS

_____ SIXTEENTH CAUSE OF ACTION ---- NEGLIGENCE OF PHARMACY DEFENDANTS
STATE WHAT SPECIFIC ACTS OR OMISSIONS YOU ALLEGE AS TO THE PHARMACY DEFENDANT(S):

_____

_____

_____

SECTION C. LIABILITY OF PHYSICIANS

_____ SEVENTEENTH CAUSE OF ACTION - MEDICAL MALPRACTICE

_____ EIGHTEENTH CAUSE OF ACTION -- LACK OF INFORMED CONSENT

COUNSEL IS CAUTIONED THAT THEY SHOULD USE PRUDENCE IN CHECKING ONLY THOSE DEFENDANTS AND CAUSES OF ACTION APPLICABLE TO THE FACTS OF THE INDIVIDUAL CLAIM.

SECTION D. SPECIAL PLAINTIFFS

_____ NINETEENTH CAUSE OF ACTION ----- LOSS OF CONSORTIUM

_____ TWENTIETH CAUSE OF ACTION ---- WRONGFUL DEATH

_____ TWENTY-FIRST CAUSE OF ACTION - SURVIVAL ACTION

10. Plaintiff(s) assert the following additional theories of recovery against these Defendants: _____

_____.

PUNITIVE DAMAGES

11. If you are making a claim for punitive damages set forth which class(es) of defendants you are making the claim against:

_____ PRODUCT DEFENDANTS
Except as to Defendant(s):
_____

_____ DIET CENTER DEFENDANTS;
Except as to Defendant(s):
_____

_____ PHARMACY DEFENDANTS;
Except as to Defendant(s):
_____

COUNSEL IS CAUTIONED THAT THEY SHOULD USE PRUDENCE IN CHECKING ONLY THOSE DEFENDANTS AND CAUSES OF ACTION APPLICABLE TO THE FACTS OF THE INDIVIDUAL CLAIM.

_____ PHYSICIAN DEFENDANTS
Except as to Defendant(s):
_____

____ OTHER PRESCRIBING ENTITIES:

Except as to Defendant(s):
_____

WHEREFORE, plaintiff(s) pray(s) that he/she(they) recover from these Defendants as follows:

(a) For his/her (their) general and compensatory damages in an amount greater than the jurisdictional amount of all lower courts, exclusive of interest and costs;
(b) For punitive damages as allowed by law;
(c) For the costs of this litigation; and
(d) For such other and further damages and relief as this Court may deem appropriate.

Dated: _____, _____
_____, _____

_____
Signature of Counsel
(22 N.Y.C.R.R. §130-1.1a)
Address
Telephone Number

:fcu-phen\amdcplt2.wpd