

IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY, CIVIL TRIAL DIVISION

IN RE: YAZ®, YASMIN®, OCELLA®
PRODUCT LIABILITY LITIGATION

APPLICABLE TO ALL CASES

SEPTEMBER TERM, 2009

NO. 1307

DOCKETED
COMPLEX LIT CENTER

MAY 21 2010

J. STEWART

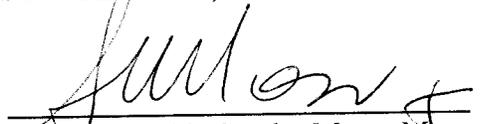
CASE MANAGEMENT ORDER NO. 1(d)
(SECOND AMENDED SHORT-FORM COMPLAINT)

This Order supplements *Case Management Order No. 1 (a)* and *CMO 1-(c)* related to the *Short Form Complaint* and the *First Amended Short Form Complaint*.

This Court entered CMO-8 (Agreed Order Regarding Service of Process in Cases Naming Particular Defendants) which states that a footnote shall be next to the check-off for Bayer AG in the *First Amended Short Form* advising that if Bayer AG is checked-off that expedited service is not available as set forth in *Section III* of CMO-8 for Bayer AG.

The *Second Amended Short Form Complaint* attached hereto as Exhibit "1" has been agreed to by the Parties, includes the footnote referenced above and shall be used consistent with *CMO-1*. The *First Amended Short Form Complaint* shall no longer be used.

IT IS SO ORDERED, BY THE COURT


The Honorable Sandra Mazer Moss

5/20/10

In Re: Yaz/Yazmin/Ocella Litigation-ORDER



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IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY, CIVIL TRIAL DIVISION

IN RE: YAZ®, YASMIN®, OCELLA® LITIGATION

Individual Case Name: _____ v. BAYER
CORPORATION et al.

_____ TERM, 2010

NO. _____

NOTICE TO PLEAD

NOTICE You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. **PHILADELPHIA COUNTY BAR ASSOCIATION** LAWYER REFERRAL AND INFORMATION SERVICE 1101 MARKET STREET, 11TH FLOOR PHILADELPHIA, PENNSYLVANIA 19107 TELEPHONE: (215) 238-1701

AVISO Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de lan demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiendandes u otros derechos importantes para usted. LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL. **ASOCIACION DE LICENCIADOR DE PHILADELPHIA** VICIO DE REFERENCIA DE INFORMACION LEGAL 1101 MARKET STREET, 11TH FLOOR PHILADELPHIA, PENNSYLVANIA 19107 TELEFONO: (215) 238-1701

**IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY, CIVIL TRIAL DIVISION**

IN RE: YAZ®, YASMIN®, OCELLA® LITIGATION

_____ Term, 2010

INDIVIDUAL CASE NAME:

No. _____

CIVIL ACTION COMPLAINT – SECOND AMENDED SHORT FORM

Plaintiffs incorporate by reference Plaintiffs' *First Amended Master Long Form Complaint* filed in *In Re Yaz®, Yasmin® Ocella® Litigation* in Philadelphia County Court of Common Pleas, filed as of January 29, 2010 under Master Docket Number September Term, 2009, No 1307. Pursuant to *Case Management Order No. 1* and *Case Management Order No. 1(c)* by the Honorable Sandra Mazer Moss, Philadelphia County Court of Common Pleas, the following *First Amended Short Form Complaint* is utilized in the above-captioned action.

Plaintiff selects and indicates by checking-off where requested, those products, Parties and claims that are specific to her case. Where certain claims require, pursuant to Pennsylvania or Other State law that may or may not apply, specific pleading or case-specific facts and individual information, Plaintiff shall add and include them herein. *See* footnote 1 below.

Plaintiff, by and through their undersigned counsel, allege as follows:

1. Plaintiff names the following Defendants in this action [Check all that apply]:

- BAYER CORPORATION,
- BAYER HEALTHCARE, LLC,
- BAYER PHARMACEUTICALS CORPORATION,

- BAYER HEALTHCARE PHARMACEUTICALS, INC.,
- BERLEX LABORATORIES, INC.,
- BERLEX, INC.,
- BAYER SCHERING PHARMA AG,
- BAYER AG,¹
- TEVA PHARMACEUTICAL INDUSTRIES LTD,
- TEVA PHARMACEUTICALS USA,
- BARR PHARMACEUTICALS, INC.,
- BARR PHARMACEUTICALS, LLC.,
- BARR LABORATORIES, INC.

2. (a) Plaintiff, _____ is an individual who
 _____ (herein referred to as the "Plaintiff").
- (b) Plaintiff's date of birth is _____.
- (c) Plaintiff is married to _____, who also resides at
 _____.

3. Check all that apply and complete for each that you have checked:

- Plaintiff ingested **Yaz**® from approximately _____ to
 _____ which caused her injury.
- Plaintiff ingested **Yasmin**® from approximately _____ to
 _____ which caused her injury.

¹ See Case Management Order No. 8. If Bayer AG is added as a Defendant by checking this Box, expedited service on Bayer Schering Pharma AG is not available pursuant to Section III of CMO-8. CMO-8 should be read carefully.

Plaintiff ingested **Ocella®** from approximately _____ to _____ which caused her injury.

4. Plaintiff was prescribed and/or otherwise obtained Yaz® /Yasmin®/Ocella® by _____ located at _____.
5. Plaintiff had the following: _____ on or about _____ which is alleged to have been caused by the drug or drugs set forth in Paragraph 2 above.
6. The following claims asserted in the *Master Long Form Complaint*, and the allegations with regard thereto in the *Master Long Form Complaint*, are herein adopted by reference:

Check if Applicable	Count Number ²	Count
<input type="checkbox"/>	I	Fraudulent Concealment
<input type="checkbox"/>	II	Strict Liability
<input type="checkbox"/>	III	Breach of Implied Warranty of Merchantability
<input type="checkbox"/>	IV	Breach of Implied Warranty of Fitness for a Particular Purpose
<input type="checkbox"/>	V	Negligent Failure to Warn
<input type="checkbox"/>	VI	Negligence
<input type="checkbox"/>	VII	Negligent Misrepresentation
<input type="checkbox"/>	VIII	Breach of Express Warranty
<input type="checkbox"/>	IX	Fraud

²If additional Counts and/or Counts directed to other Defendants are alleged, the specific facts supporting these allegations must be pleaded by the Plaintiff in a manner complying with the requirements of the Pennsylvania Rules of Civil Procedure, and the Defendants against whom they are alleged must be specifically identified on a separate sheet of paper attached to the *Second Amended Short Form Complaint*.

<input type="checkbox"/>	X	Violations of Consumer Protection Laws
<input type="checkbox"/>	XI	Loss of Consortium
<input type="checkbox"/>	XII	Wrongful Death
<input type="checkbox"/>	XIII	Survival Action

7. Plaintiff asserts the following additional theories against these Defendants (See FN 2):

8. Plaintiff asserts the following additional theories against other Defendants (See FN 2):

WHEREFORE, Plaintiffs pray for relief as set forth in the Plaintiffs' *Amended Master Long Form Complaint* in *In Re Yaz®*, *Yasmin®* *Ocella®* *Litigation* in Philadelphia County Court of Common Pleas.

Attorneys for Plaintiffs