

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**In Re: TAXOTERE (DOCETAXEL)
PRODUCTS LIABILITY
LITIGATION**

**MDL NO. 2740
SECTION “N” (5)**

**THIS DOCUMENT RELATES TO:
ALL CASES**

**PRETRIAL ORDER NO. 37
[Exemplar Short Form Complaint]**

Pretrial Order 15 (R. Doc. 230) ordered the Plaintiffs, through the Plaintiffs’ Steering Committee (PSC), to submit a proposed Pretrial Order with an attached exemplar Short Form Complaint. The exemplar Short Form Complaint provided to the Court is attached as Attachment A for Plaintiffs’ counsel’s use when filing their complaints. Short Form Complaints shall be used by Plaintiffs’ counsel consistent with Pretrial Order No. 15, and counsel are encouraged to review it prior to using the form provided by the PSC. Only one Plaintiff (and any secondary/consortium/representative Plaintiff(s) claiming through or on behalf of the Plaintiff) is allowed on each Short Form Complaint. The Short Form Complaint is intended to provide guidance for individual counsel who should refer to the Master Complaint in conjunction with the use of the Short Form Complaint. Individual Plaintiffs’ counsel shall tailor the form to correspond to each Plaintiff’s claims/allegations.

If the Short Form Complaint is a Plaintiff’s original pleading, it must be filed as a new complaint through the Court’s CM/ECF system consistent with the Local Rules¹ and served with

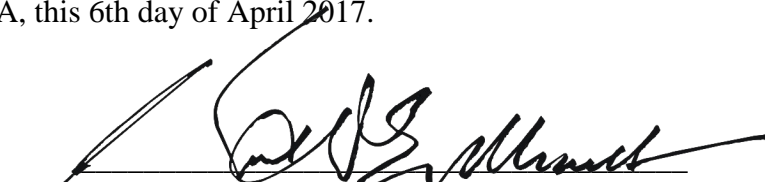
¹ See Eastern District of Louisiana website for instructions on opening a new case.
<http://www.laed.uscourts.gov/case-information/cmecf/efiling-new-case>

a summons, pursuant to Rule 4 of the Federal Rules of Civil Procedure, or pursuant to relevant Pretrial Orders regarding “streamlined” service of process entered in this MDL, and not in the master MDL docket. If the Short Form Complaint is filed as an amending complaint, it should be filed in the member case,² and not in the MDL master file. For any case in which no Defendant has filed a responsive pleading or a motion directed at the pleadings pursuant to Rule 12 of the Federal Rules of Civil Procedure, Plaintiff need not seek leave to amend until Defendants have filed a Master Answer pursuant to Pretrial Order No. 15. For any case in which any Defendant has filed a responsive pleading or a motion directed at the pleadings pursuant to Rule 12 of the Federal Rules of Civil Procedure, whether Plaintiff must seek leave to amend a prior complaint, including by the filing of a Short Form Complaint, shall be governed by Rule 15 of the Federal Rules of Civil Procedure.

If further direction regarding filing is needed, please contact the Court at (504) 589-7715.

If further direction regarding the Short Form Complaint is needed, Counsel may contact Plaintiffs’ Liaison Counsel, Dawn Barrios or Palmer Lambert, with any questions regarding the exemplar form.

NEW ORLEANS, LOUISIANA, this 6th day of April 2017.



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE

² Filing attorneys shall use the event “Taxotere Amended Complaint” found under the Service of Process Category in the Court’s CM/ECF system.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

| | | |
|--------------------------------------|---|-----------------------------------|
| IN RE: TAXOTERE (DOCETAXEL) | : | MDL NO. 2740 |
| PRODUCTS LIABILITY LITIGATION | : | |
| | : | SECTION "N"(5) |
| | : | JUDGE ENGELHARDT |
| | : | MAG. JUDGE NORTH |
| _____ | : | |
| Plaintiff(s), | : | COMPLANT & JURY DEMAND |
| | : | |
| vs. | : | Civil Action No.: _____ |
| | : | |
| _____ | : | |
| Defendant(s). | : | |
| ----- | : | |

SHORT FORM COMPLAINT

Plaintiff(s) incorporate by reference the Master Long Form Complaint and Jury Demand filed in the above-referenced case on March 31, 2017. Pursuant to Pretrial Order No. 15, this Short Form Complaint adopts allegations and encompasses claims as set forth in the Master Long Form Complaint against Defendant(s).

Plaintiff(s) further allege as follows:

1. Plaintiff:

2. Spousal Plaintiff or other party making loss of independent/secondary claim (i.e., loss of consortium):

3. Other type of Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

4. Current State of Residence: _____

5. State in which Plaintiff(s) allege(s) injury: _____

6. Defendants (check all Defendants against whom a Complaint is made):

a. Taxotere Brand Name Defendants

- A. Sanofi S.A.
- B. Aventis Pharma S.A.
- C. Sanofi US Services Inc. f/k/a Sanofi-Aventis U.S. Inc.
- D. Sanofi-Aventis U.S. LLC

b. Other Brand Name Drug Sponsors, Manufacturers, Distributors

- A. Sandoz, Inc.
- B. Accord Healthcare, Inc.
- C. McKesson Corporation d/b/a McKesson Packaging
- D. Hospira Worldwide Inc.
- E. Hospira Inc
- F. Sun Pharma Global FZE
- G. Sun Pharma Global Inc.
- H. Caraco Pharmaceutical Laboratories Ltd.
- I. Pfizer Inc.
- J. Allergan Finance LLC f/k/a Actavis Inc.
- K. Actavis Pharma Inc.

L. Other:

7. Basis for Jurisdiction:

Diversity of Citizenship

Other (any additional basis for jurisdiction must be pled in sufficient detail as required by the applicable Federal Rules of Civil Procedure):

8. Venue:

District Court and Division in which remand and trial is proper and where you might have otherwise filed this Short Form Complaint absent the direct filing Order entered by this Court:

9. Brand Product(s) used by Plaintiff (check applicable):

A. Taxotere

B. Docefrez

C. Docetaxel Injection

D. Docetaxel Injection Concentrate

E. Unknown

F. Other:

10. First date and last date of use (or approximate date range, if specific dates are unknown) for Products identified in question 9:

11. State in which Product(s) identified in question 9 was/were administered:

12. Nature and extent of alleged injury (including duration, approximate date of onset (if known), and description of alleged injury):

13. Counts in Master Complaint brought by Plaintiff(s):

- Count I – Strict Products Liability - Failure to Warn
- Count II – Strict Products Liability for Misrepresentation
- Count III – Negligence
- Count IV – Negligent Misrepresentation
- Count V – Fraudulent Misrepresentation
- Count VI – Fraudulent Concealment
- Count VII – Fraud and Deceit
- Count VIII – Breach of Express Warranty (Sanofi Defendants only)

- Other: Plaintiff(s) may assert the additional theories and/or State Causes of Action against Defendant(s) identified by selecting “Other” and setting forth such claims below. If Plaintiff(s) includes additional theories of recovery, for example, Redhibition under Louisiana law or state consumer protection claims, the specific facts and allegations supporting additional theories must be pleaded by Plaintiff in sufficient detail as required by the applicable Federal Rules of Civil Procedure.

14. Name of Attorney(s), Bar Number(s), Law Firm(s), Phone Number(s), Email Address(es) and Mailing Address(es) representing Plaintiff(s):

By: