

	:	SUPERIOR COURT OF NEW JERSEY
Plaintiff(s),	:	LAW DIVISION
	:	BERGEN COUNTY
	:	
v.	:	DOCKET NO.
	:	
WYETH, and JOHN, JANE and	:	Case Code: 240
JOE DOES 1-20,	:	
	:	CIVIL ACTION
Defendants,	:	
	:	DIET DRUG LITIGATION
	:	
	:	JURY TRIAL DEMANDED

**AMENDED NEW JERSEY
DIET DRUG SHORT FORM COMPLAINT**

Plaintiff incorporates by reference, to the extent set forth below, but only to the extent permitted under the Nationwide Class Action Settlement with American Home Products Corporation ("Class Settlement"), Plaintiffs' Master Long Form Complaint in Re: "Phen-Fen" Litigation in Bergen County Superior Court, filed as of July 30, 2003, under Master Docket No. 7718-03 MT, and subsequently amended on January ____, 2004.

1. This Complaint involves the claim(s) of the following person(s):

Name:

Address:

Social Security No.:

Date of Birth:

2. Plaintiff's dependents are:

Plaintiff's spouse is:

Plaintiff's spouse makes a claim for consortium Yes No

3. The Defendants are those parties listed in the caption.

The following are the "John Doe" Defendants *(fill in if applicable)*

4. Plaintiff claims injury due to *(check appropriate statements)*

Primary Pulmonary Hypertension (PPH) Diagnosed on or about _____;

FDA Positive Valvular Heart Disease (VHD) diagnosed on or about _____;

Back End Opt Out based on Matrix Level Condition diagnosed on or about _____;

5. Plaintiff hereby incorporates by reference the following Counts from the Master Long Form Complaint *(check appropriate Counts)*:

Count I - NJ Product Liability Act

Count II - Breach of Implied Warranty

Count III - Breach of Express Warranty

Count IV - Negligent Misrepresentation

Count V - Common Law Fraudulent Misrepresentation and Concealment

Count VI (Paragraphs 118-121) - NJCFA (PPH Plaintiffs only)

Count VI (paragraphs 122-128)

- _____ Count VI (paragraphs 129-134)
- _____ Count VII - Loss of Consortium
- _____ Count VIII - Wrongful Death and Survival Action
- _____ Other (if checked off, must specify)

6. Plaintiff ingested the following drugs relevant to this action:

Fenfluramine/Dexfenfluramine/Phentermine as follows:

- 1. Fenfluramine
Brand Name: _____
Dates of Use: _____
- 2. Dexfenfluramine
Brand Name: _____
Dates of Use: _____
- 3. Phentermine
Brand Name: _____
Dates of Use: _____

7. The prescribing physician was _____.

8. Plaintiff had an echocardiogram on the following dates with the results as stated:

<u>DATE</u>	<u>RESULTS</u>
_____	_____

Copies of the echocardiogram report is attached hereto.

9. *Check appropriate statement:*

- _____ VHD Plaintiff seeks compensatory damages for alleged injury to his/her _____ valve(s) and acknowledges that Plaintiff is bound by the terms and conditions of the Class Settlement including Section IV.D.
- _____ PPH Plaintiff seeks compensatory, punitive, exemplary and/or

treble damages.

10. VHD Plaintiff has submitted (*check appropriate statement*):

_____ The requisite Orange Form #2 exercising an Intermediate Opt Out under the Class Settlement; and/or

_____ The requisite Orange Form #3 exercising a Back-End Opt Out under the Class Settlement.

VHD Plaintiff has attached hereto a copy of the applicable form.

11. Plaintiff has previously received the following benefits or payments under the Class Settlement: _____ (*if none, so state*).

By: _____
Attorney for Plaintiff(s)

WHEREFORE, plaintiff demands judgment in his/her favor and against defendants jointly and severally for all available damages together with interest, costs of suit, and such other relief as the Court deems proper.

By: _____
Attorney for Plaintiff(s)

Dated:

DEMAND FOR JURY TRIAL

Demand is hereby made for a trial by jury.

Attorneys for Plaintiff

By: _____

Dated:

CERTIFICATION PURSUANT TO RULE 4:5-1

Plaintiff upon information and belief is not aware of any pending or contemplated action.

Further, upon information and belief, she/he is not aware of any other party who should be joined in this action.

Attorneys for Plaintiff

By: _____

Dated:

DESIGNATION OF TRIAL COUNSEL

Pursuant to R.4:25-4, _____, is hereby designated as trial counsel in this matter.

Attorneys for Plaintiff

By: _____

Dated: