

Court of Common Pleas of Philadelphia County
 Trial Division
Civil Cover Sheet

For Prothonotary Use Only (Docket Number)
APRIL 2013 **002074**
 E-Filing Number: 1304024132

PLAINTIFF'S NAME ROBERT MOFFAT	DEFENDANT'S NAME JANSSEN PHARMACEUTICALS, INC.
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PLAINTIFF'S ADDRESS 18878 COUNTY ROAD 4104 LINDALE TX 75771	DEFENDANT'S ADDRESS 1125 TRENTON-HARBOURTON ROAD TITUSVILLE NJ 08560
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PLAINTIFF'S NAME	DEFENDANT'S NAME JOHNSON & JOHNSON COMPANY
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PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS ONE JOHNSON & JOHNSON PLAZA NEW BRUNSWICK NJ 08933
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PLAINTIFF'S NAME	DEFENDANT'S NAME JOHNSON & JOHNSON PHARMACEUTICAL RESEARCH AND DEVELOPMENT, L
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PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS 920 ROUTE 202 RARITAN NJ 08869
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TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 5	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions
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AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input checked="" type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other: _____
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CASE TYPE AND CODE
 XE - MASS TORT - RISPERDAL

STATUTORY BASIS FOR CAUSE OF ACTION

RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)	FILED PRO PROTHY APR 15 2013 S. GARRETT	IS CASE SUBJECT TO COORDINATION ORDER? YES NO
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TO THE PROTHONOTARY:
 Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: ROBERT MOFFAT
 Papers may be served at the address set forth below.

NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY BRIAN J. MCCORMICK	ADDRESS SHELLER PC 1528 WALNUT STREET FLOOR 4 PHILADELPHIA PA 19102
PHONE NUMBER (215) 790-7300	FAX NUMBER none entered

SUPREME COURT IDENTIFICATION NO. 81437	E-MAIL ADDRESS bjmccormick@sheller.com
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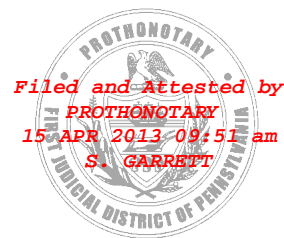
SIGNATURE OF FILING ATTORNEY OR PARTY BRIAN MCCORMICK	DATE SUBMITTED Monday, April 15, 2013, 09:51 am
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COMPLETE LIST OF DEFENDANTS:

1. ELSEVIER, INC.
2 NEWTOWN PLACE, SUITE 350
NEWTOWN MA 02458-1637
2. EXCERPTA MEDICA INCORPORATED
685 US-202
BRIDGEWATER NJ 08807
3. JOHNSON & JOHNSON PHARMACEUTICAL RESEARCH AND DEVELOPMENT, L
920 ROUTE 202
RARITAN NJ 08869
4. JOHNSON & JOHNSON COMPANY
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933
5. JANSSEN PHARMACEUTICALS, INC.
1125 TRENTON-HARBOURTON ROAD
TITUSVILLE NJ 08560

SHELLER, P.C.

Stephen A. Sheller, Esquire
Brian J. McCormick, Jr., Esquire
Attorney I.D. Nos. 03270, 81437
sasheller@sheller.com
bjmccormick@sheller.com
1528 Walnut St., 4th Floor
Philadelphia, PA 19102
Tel (215) 790-7300



Attorneys for Plaintiff

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	:	
IN RE: RISPERDAL® LITIGATION	:	PHILADELPHIA COUNTY
March Term 2010, No. 296	:	COURT OF COMMON PLEAS
-----	:	TRIAL DIVISION
	:	
Robert Moffat,	:	
	:	APRIL TERM, 2013
Plaintiff,	:	
	:	No. _____
v.	:	
	:	
Janssen Pharmaceuticals, Inc., Johnson & Johnson	:	
Company, Johnson & Johnson Pharmaceutical	:	
Research and Development, L.L.C., Excerpta	:	
Medica, Inc., and Elsevier Inc.,	:	
	:	
Defendants.	:	

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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

AVISO Le han demandado en corte. Si usted quiere defenderse contra las demandas nombradas en las paginas siguientes, tiene veinte (20) dias a partir de recibir esta demanda notificacion para entablar personalmente o por un abogado una comparencia escrita y tambien para entablar con la corte en forma escrita sus defensas y

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

THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

objeciones a las demandas contra usted sin previo aviso para conseguir el dinero demandado en el pleito o para conseguir cualquier otra demanda o alivio solicitados por el demandante. Usted puede perder dinero o propiedad u otros derechos importantes para usted.

USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE ABOGADO (O NO TIENE DINERO SUFICIENTE PARA PAGAR A UN ABOGADO) VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA NOMBRADA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL. ESTA OFICINA PUEDE PROPORCIONARLE LA INFORMACION SOBRE CONTRATAR A UN ABOGADO. **ASOCIACION DE LICENCIADOR DE PHILADELPHIA** VICIO DE REFERENCIA DE INFORMACION LEGAL 1101 MARKET STREET, 11TH FLOOR PHILADELPHIA, PENNSYLVANIA 19107 TELEFONO: (215) 238-1701

SI USTED NO TIENE DINERO SUFICIENTE PARA PAGAR A UN ABOGADO, ESTA OFICINA PUEDE PROPORCION INFORMACION COBRE AGENCIAS QUE OFRECEN SERVICIOS LEGALES A PERSONAS QUE CUMPLEN LOSE REQUISITOS PARA UN HONORARIO REDUCIDO O NINGUN HONORARIO.

Stephen A. Sheller, Esquire
Brian J. McCormick, Jr., Esquire
Attorney I.D. Nos. 03270, 81437
sasheller@sheller.com
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1528 Walnut St., 4th Floor
Philadelphia, PA 19102
Tel (215) 790-7300

Attorneys for Plaintiff

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:
IN RE: RISPERDAL® LITIGATION : **PHILADELPHIA COUNTY**
March Term 2010, No. 296 : **COURT OF COMMON PLEAS**
----- : **TRIAL DIVISION**
:
Robert Moffat, : **APRIL TERM, 2013**
:
Plaintiff, : **No. _____**
:
v. :
:
Janssen Pharmaceuticals, Inc., Johnson & Johnson :
Company, Janssen Pharmaceutical Research and :
Development, L.L.C., Excerpta Medica, Inc., and :
Elsevier Inc., :
:
Defendants. :
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**ABBREVIATED INDIVIDUAL COMPLAINT FOR
RISPERDAL LITIGATION AND ADOPTION BY REFERENCE**

1. Plaintiff incorporates by reference Plaintiffs' Amended Master Long Form Complaint in *In Re: Risperdal Litigation* in the Philadelphia County Court of Common Pleas, filed as of September 3, 2010, under Docket Number March Term 2010, No. 296, and currently pending before the Honorable Arnold L. New.

2. Plaintiff selects and indicates by checking off the appropriate spaces, those products and claims that are specific to his or her case. Where certain claims require, pursuant to

Pennsylvania law, specific pleading or case specific facts and individual information, Plaintiff(s) shall add and include them herein.

3. Plaintiff, Robert Moffatt (hereinafter referred to as “Plaintiff”)¹ is an individual who resides at 18878 CR 4101, Lindale in the state of Texas.

4. Plaintiff claims the following antipsychotic medications caused his or her injury:

RISPERDAL _____

RISPERDAL CONSTA _____

INVEGA _____

INVEGA SUSTENNA _____

5. Plaintiff claims to have suffered the following injury(ies) as a result of ingesting Risperdal, Risperdal Consta and/or Invega:

Injury	Risperdal and/or Risperdal Consta	Invega and/or Invega Sustenna
Gynecomastia	X	
Galactorrhea		
Pituitary Tumors		
Microadenomas of the Pituitary Gland		
Breast Cancer		
Osteoporosis		
Decreased Bone Mineral Density		
Metabolic Syndrome		

¹ In answering the following questions, the term “Plaintiff” refers to the party who alleges that they were injured, including a decedent who is represented by an administrator or a minor who is represented by a parent or guardian.

Dyslipidemia		
Hypertension		
Diabetes Mellitus		
Diabetic Ketoacidosis (DKA)		
Hyperosmolar coma		
Hyperglycemia		
Glucose Dysregulation		
Insulin Insufficiency		
Insulin Resistance		
Pancreatitis		
Tardive Dyskinesia (TD)	X	
Extrapyramidal Symptoms		
Involuntary Movement Disorders		
Dyskinesia		
Dystonia		
Akathisia		
Parkinsonism		
Neuroleptic Malignant Syndrome (NMS)		
Other: Weight Gain	X	

6. Plaintiff purchased and/or otherwise obtained Risperdal and/or Risperdal Consta, which Plaintiff ingested from approximately 2004 through present.

7. Plaintiff purchased and/or otherwise obtained Invega and/or Invega Sustenna, which Plaintiff ingested from _____ to _____.

8. Plaintiff claims damages as a result of:

Personal Injury to himself, herself or the person represented

Economic Loss

9. Plaintiff's spouse, _____ (hereinafter referred to as "Spouse"), is an adult individual residing at _____ in the State of _____, and claims damages as a result of:

_____ Loss of Consortium, date of marriage: _____.

10. Plaintiff's parent and/or guardian, _____ (hereinafter referred to as "Guardian"), is an adult individual residing at _____ in the state of _____ and claim damages as a result of medical expenses incurred and/or to be incurred in an effort to treat Plaintiff's injuries.

11. 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:

Count I: Negligence

Count II: Negligence- Design Defect

Count III: Fraud

Count IV: Strict Product Liability- Failure to Warn

- X Count V: Strict Product Liability – Design Defect
- X Count VI: Breach of Express Warranty
- X Count VII: Breach of Implied Warranty
- X Count VIII: Violation of Pennsylvania Unfair Trade Practices and
Consumer Protection Law, 73 P.S. § 201-1 et seq.
- X Count IX: Unfair and Deceptive Trade Practices
- X Count X: Conspiracy
- X Count XI: Punitive Damages
- X Count XII: Medical Expenses Incurred by Parent
- X Count XIII: Loss of Consortium

Plaintiff asserts the following additional theories of recovery against Defendants: _____

*Attach additional pages.

Respectfully submitted,

SHELLER, P.C.

Dated: April 12, 2013

By: /s/ Brian J. McCormick, Jr.
Stephen A. Sheller, Esquire
Brian J. McCormick, Jr., Esquire

Attorneys for Plaintiff

VERIFICATION

I, Brian J. McCormick, Jr., attorney for Plaintiff, verify that the statements of fact contained in the foregoing Short-Form Complaint are true and correct to the best of my knowledge, information and belief. I understand that statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsifications to authorities.

Date: April 12, 2013

/s/ Brian J. McCormick, Jr.
BRIAN J. MCCORMICK, JR.