IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

IN RE: ABILIFY (ARIPIPRAZOLE) PRODUCTS LIABILITY LITIGATION This document relates to: JOSEPH HUTCHINS Plaintiffs, v. Bristol-Myers Squibb Company, Otsuka Pharmaceutical Co., Ltd., and Otsuka America Pharmaceutical, Inc., Defendants.	Case No. 3:16-md-2734 Chief Judge M. Casey Rodgers Magistrate Judge Gary Jones Short Form Complaint and Jury Demand

MASTER SHORT FORM COMPLAINT AND JURY DEMAND

Plaintiffs incorporate by reference Plaintiffs' Master Long Form Complaint and Jury Demand filed in *In Re: Abilify® Products Liability Litigation* in the United States District Court for the Northern District of Florida, filed as No. 108-1 on the Master Docket. Pursuant to Case Management Order No.1, the following Short Form Complaint encompasses Plaintiffs' claims as adopted from the Master Long Form Complaint in the above-captioned action.

Plaintiffs select and indicate by checking boxes where requested, parties and claims specific to this case. As necessary, Plaintiffs include: (a) additional claims against the Defendant(s) listed in paragraph 1, which are set forth in paragraph 10,

and the supporting facts for which are alleged in paragraph 11 or on an additional sheet attached to this Complaint, and/or (b) claims pleaded against additional defendants not listed in the Master Long Form Complaint, which are set forth in paragraph 12 and the supporting facts for which are alleged in paragraph 12 or on an additional sheet attached to this Complaint.

Plaintiffs, by and through counsel, allege as follows:

I. DEFENDANTS

1. Plaintiffs name the following Defendants in this action [check only those that apply]:

☑ Bristol-Myers Squibb Company

☑ Otsuka Pharmaceutical Co., Ltd.

☑ Otsuka America Pharmaceutical, Inc.

II. PLAINTIFFS

2. Plaintiff(s): Joseph Hutchins

3. Plaintiff's Spouse (if applicable): N/A

4. Other Plaintiff and capacity, if applicable (*i.e.*, administrator, executor, guardian, conservator, etc.): N/A

5. Plaintiff's State of Residence: Michigan

6. Identify the United States District Court and Division in which venue would be proper absent direct filing: USDC E.D. Mich. Southern Division

III. ABILIFY® INGESTION

7. Plaintiff ingested Abilify® from approximately Nov 2010 until April 2015.

8. Plaintiff alleges that Abilify® was ingested in the following state(s): Michigan.

IV. INJURIES

9. Plaintiff alleges the following injury(ies) as a result of Abilify® usage:

Neuropsychiatric and physical injury, emotional distress, harm, and economic loss. Monetary losses in excess of $75,000, loss of financial stability, and other mental, physical, and economic losses. The injurious impact of Abilify on Plaintiff's brain constitutes a physical injury.

V. CLAIMS/COUNTS

10. The following claims asserted in the Master Long Form Complaint, and the allegations with regard thereto in the Master Long Form Complaint, are adopted in this Short Form Complaint by reference:

- [x] Count I – STRICT LIABILITY
- [x] Count II – BREACH OF EXPRESS WARRANTY
- [x] Count III – BREACH OF IMPLIED WARRANTY
- [x] Count IV – NEGLIGENCE
- [x] Count V – NEGLIGENCE PER SE
- [x] Count VI – NEGLIGENT MISREPRESENTATION
- [x] Count VII – VIOLATION OF CONSUMER PROTECTION LAWS, SPECIFICALLY: Mich. Comp. Laws (MCL) Ann. §§ 445.901 et seq.
- [x] Count VIII – FRAUDULENT CONCEALMENT
- [ ] Count IX – LOSS OF CONSORTIUM
- [x] Count X – PUNITIVE DAMAGES
- [ ] Count XI – OTHERS [Specify below]

11. If additional claims against the Defendants identified in the Master Long Form Complaint are alleged in paragraph 10, the facts supporting these

allegations must be pleaded. Plaintiff asserts the following factual allegations against the Defendants identified in the Master Long Form Complaint:

The above claims are supported by facts in the master complaint.

12. Plaintiffs assert the following additional claims and factual allegations against other Defendants (must name defendant and its alleged citizenship):

WHEREFORE, Plaintiffs pray for relief as set forth in the Plaintiffs' Master Long Form Complaint in *In Re: Abilify® Products Liability Litigation* in the United States District Court for the Northern District of Florida.

Dated: 10/04/17

/s/ Richard W. Schulte (OH #0066031)

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