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**ORIGINAL**

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11 **Attorneys for Plaintiffs**

12  
13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **FOR THE COUNTY OF LOS ANGELES**

15 CHARMAINE LLOYD, an individual;  
16 OSALASE ADELABU, an individual;  
17 DORIS BEAVER, an individual;  
18 MELANIE BERRY, an individual;  
19 ANITA DELGUIDICE, an individual;  
20 EVA ECHEVERRIA, an individual; and  
21 MARIA ENGELMANN, an individual,

22 Plaintiffs,

23 v.

24 JOHNSON & JOHNSON, a New Jersey  
25 corporation doing business in California;

26 JOHNSON & JOHNSON CONSUMER  
27 COMPANIES, INC., a New Jersey corporation  
28 doing business in California;

IMERYS TALC AMERICA, INC., a Delaware  
Corporation with its principal place of business in  
the state of California;

and DOES 1 through 100,

Defendants.

Plaintiffs herein, by and through counsel, for their causes of action against the Defendant  
as follows:

Case No. \_\_\_\_\_

**COMPLAINT FOR DAMAGES;  
DEMAND FOR JURY TRIAL**

1. Strict Liability - Failure to Warn
2. Strict Liability - Design Defect
3. Negligence
4. Breach of Express Warranty
5. Breach of Implied Warranty
6. Negligent Misrepresentation
7. Deceit by Concealment
8. Fraud

**BC 6 2 8 2 2 8 By Fax**

RECEIPT #: CCH524880075  
DATE PAID: 07/25/16 12:10 PM  
PAYMENT: \$1,435.00  
RECEIVED: \$10  
CHECK: \$1,435.00  
CASH: \$0.00  
CHANGE: \$0.00  
CARD: \$0.00

1  
COMPLAINT FOR DAMAGES; DEMAND FOR JURY TRIAL

07/25/2016

CIT/CASE: BC628228  
LEA/DEF#:

**PARTIES, JURISDICTION AND VENUE**

1. Plaintiff CHARMAINE LLOYD is a competent individual, over the age of 18, a citizen of the United States, and a resident of Los Angeles County in the state of California.

2. Plaintiff OSALASE ADELABU is a competent individual, over the age of 18, a citizen of the United States, and a resident of Los Angeles County in the state of California.

3. Plaintiff DORIS BEAVER is a competent individual, over the age of 18, a citizen of the United States, and a resident of San Bernardino County in the state of California.

4. Plaintiff MELANIE BERRY is a competent individual, over the age of 18, a citizen of the United States, and a resident of Los Angeles County in the state of California.

5. Plaintiff ANITA DELGUIDICE is a competent individual, over the age of 18, a citizen of the United States, and a resident of Orange County in the state of California.

6. Plaintiff EVA ECHEVERRIA is a competent individual, over the age of 18, a citizen of the United States, and a resident of Los Angeles County in the state of California.

7. Plaintiff MARIA ENGELMANN is a competent individual, over the age of 18, a citizen of the United States, and a resident of Orange County in the state of California.

8. At all relevant times alleged herein beginning in or about 1955, Plaintiff CHARMAINE LLOYD purchased the PRODUCTS and used said PRODUCTS on a daily basis in and around her perineal regions through in or about 2015. While a citizen and resident of the state of California, and a citizen and resident of the County of Los Angeles, Plaintiff purchased the PRODUCTS and used the PRODUCTS by applying the PRODUCTS to her body in accordance with the instructions for use that accompanied the PRODUCTS and in a reasonably foreseeable manner. In or about 2015, Plaintiff was diagnosed with ovarian cancer, and underwent surgery and other treatments for said ovarian cancer. Plaintiff was diagnosed with ovarian cancer, which developed while she resided in the state of California. Plaintiff developed ovarian cancer, and suffered effects and sequelae therefrom, while a citizen and resident of the state of California as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder, the main ingredient of the PRODUCTS, and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of the PRODUCTS.

1           9.     At all relevant times alleged herein beginning in 1992, Plaintiff OSALASE ADELABU  
2 purchased the PRODUCTS and used said PRODUCTS on a daily basis in and around her perineal  
3 regions through in or about 2012. While a citizen and resident of the state of California, and a citizen and  
4 resident of Los Angeles County, Plaintiff purchased the PRODUCTS and used the PRODUCTS by  
5 applying the PRODUCTS to her body in accordance with the instructions for use that accompanied the  
6 PRODUCTS and in a reasonably foreseeable manner. In or about 2015, Plaintiff was diagnosed with  
7 ovarian cancer stage 3, and underwent surgery and other treatments for said ovarian cancer. Plaintiff was  
8 diagnosed with ovarian cancer, which developed while she resided in the state of California. Plaintiff  
9 developed ovarian cancer, and suffered effects and sequelae therefrom, while a citizen and resident of the  
10 state of California as a direct and proximate result of the unreasonably dangerous and defective nature of  
11 talcum powder, the main ingredient of the PRODUCTS, and Defendants' wrongful and negligent conduct  
12 in the research, development, testing, manufacture, production, promotion, distribution, marketing, and  
13 sale of the PRODUCTS.

14           10.    At all relevant times alleged herein beginning in 1950, Plaintiff DORIS BEAVER  
15 purchased the PRODUCTS and used said PRODUCTS on a daily basis in and around her perineal  
16 regions through in or about March 2016. While a citizen and resident of the state of California, and a  
17 citizen and resident of San Bernardino County of, Plaintiff purchased the PRODUCTS and used the  
18 PRODUCTS by applying the PRODUCTS to her body in accordance with the instructions for use that  
19 accompanied the PRODUCTS and in a reasonably foreseeable manner. In or about March 2016, Plaintiff  
20 was diagnosed with ovarian cancer, and underwent surgery and other treatments for said ovarian cancer.  
21 Plaintiff was diagnosed with ovarian cancer, which developed while she resided in the state of California.  
22 Plaintiff developed ovarian cancer, and suffered effects and sequelae therefrom, while a citizen and  
23 resident of the state of California as a direct and proximate result of the unreasonably dangerous and  
24 defective nature of talcum powder, the main ingredient of the PRODUCTS, and Defendants' wrongful  
25 and negligent conduct in the research, development, testing, manufacture, production, promotion,  
26 distribution, marketing, and sale of the PRODUCTS.

27           11.    At all relevant times alleged herein beginning in 1980, Plaintiff MELANIE BERRY  
28 purchased the PRODUCTS and used said PRODUCTS on a daily basis in and around her perineal

1 regions through in or about 2004. While a citizen and resident of the state of California, and a citizen and  
2 resident of the County of Los Angeles, Plaintiff purchased the PRODUCTS and used the PRODUCTS by  
3 applying the PRODUCTS to her body in accordance with the instructions for use that accompanied the  
4 PRODUCTS and in a reasonably foreseeable manner. In or about 2004, Plaintiff was diagnosed with  
5 ovarian cancer, and underwent surgery and other treatments for said ovarian cancer. Plaintiff was  
6 diagnosed with ovarian cancer, which developed while she resided in the state of California. Plaintiff  
7 developed ovarian cancer, and suffered effects and sequelae therefrom, while a citizen and resident of the  
8 state of California as a direct and proximate result of the unreasonably dangerous and defective nature of  
9 talcum powder, the main ingredient of the PRODUCTS, and Defendants' wrongful and negligent conduct  
10 in the research, development, testing, manufacture, production, promotion, distribution, marketing, and  
11 sale of the PRODUCTS.

12 12. At all relevant times alleged herein beginning in 1950s, Plaintiff ANITA DELGUIDICE  
13 purchased the PRODUCTS and used said PRODUCTS on a daily basis in and around her perineal  
14 regions through in or about 2009. While a citizen and resident of the state of California, and a citizen and  
15 resident of the County of Orange, Plaintiff purchased the PRODUCTS and used the PRODUCTS by  
16 applying the PRODUCTS to her body in accordance with the instructions for use that accompanied the  
17 PRODUCTS and in a reasonably foreseeable manner. In or about January 2009, Plaintiff was diagnosed  
18 with ovarian cancer, and underwent surgery and other treatments for said ovarian cancer. Plaintiff was  
19 diagnosed with ovarian cancer, which developed while she resided in the state of California. Plaintiff  
20 developed ovarian cancer, and suffered effects and sequelae therefrom, while a citizen and resident of the  
21 state of California as a direct and proximate result of the unreasonably dangerous and defective nature of  
22 talcum powder, the main ingredient of the PRODUCTS, and Defendants' wrongful and negligent conduct  
23 in the research, development, testing, manufacture, production, promotion, distribution, marketing, and  
24 sale of the PRODUCTS.

25 13. At all relevant times alleged herein beginning in 1950s, Plaintiff EVA ECHEVERRIA  
26 purchased the PRODUCTS and used said PRODUCTS on a daily basis in and around her perineal  
27 regions through in or about January 2016. While a citizen and resident of the state of California, and a  
28 citizen and resident of the County of Orange, Plaintiff purchased the PRODUCTS and used the

1 PRODUCTS by applying the PRODUCTS to her body in accordance with the instructions for use that  
2 accompanied the PRODUCTS and in a reasonably foreseeable manner. In or about April 2007, Plaintiff  
3 was diagnosed with ovarian cancer, and underwent surgery and other treatments for said ovarian cancer.  
4 Plaintiff was diagnosed with ovarian cancer, which developed while she resided in the state of California.  
5 Plaintiff developed ovarian cancer, and suffered effects and sequelae therefrom, while a citizen and  
6 resident of the state of California as a direct and proximate result of the unreasonably dangerous and  
7 defective nature of talcum powder, the main ingredient of the PRODUCTS, and Defendants' wrongful  
8 and negligent conduct in the research, development, testing, manufacture, production, promotion,  
9 distribution, marketing, and sale of the PRODUCTS.

10 14. At all relevant times alleged herein beginning in 1985, Plaintiff MARIA ENGELMANN  
11 purchased the PRODUCTS and used said PRODUCTS on a daily basis in and around her perineal  
12 regions through in or about 2016. While a citizen and resident of the state of California, and a citizen and  
13 resident of the County of Los Angeles, Plaintiff purchased the PRODUCTS and used the PRODUCTS by  
14 applying the PRODUCTS to her body in accordance with the instructions for use that accompanied the  
15 PRODUCTS and in a reasonably foreseeable manner. In or about 2007, Plaintiff was diagnosed with  
16 ovarian cancer, and underwent surgery and other treatments for said ovarian cancer. Plaintiff was  
17 diagnosed with ovarian cancer, which developed while she resided in the state of California. Plaintiff  
18 developed ovarian cancer, and suffered effects and sequelae therefrom, while a citizen and resident of the  
19 state of California as a direct and proximate result of the unreasonably dangerous and defective nature of  
20 talcum powder, the main ingredient of the PRODUCTS, and Defendants' wrongful and negligent conduct  
21 in the research, development, testing, manufacture, production, promotion, distribution, marketing, and  
22 sale of the PRODUCTS.

23 15. Plaintiffs bring this action in accordance with California Code of Civil Procedure section  
24 378 as their claims arise out of the same transaction, occurrence, or series of transactions or occurrences  
25 and questions of law and fact are common to all of the plaintiffs will arise in the action. All claims in this  
26 action are a direct and proximate result of the negligent, willful, and wrongful acts and/or omissions of  
27 Defendants and/or their corporate predecessors in connection with the design, development, manufacture,  
28 testing, packaging, promoting, marketing, distribution, labeling, and/or sale of the products known as

1 Johnson & Johnson Baby Powder and Shower to Shower (hereinafter "the PRODUCTS"). All Plaintiffs  
2 in this action seek recovery for damages as a result of developing ovarian cancer, which was directly and  
3 proximately caused by such wrongful conduct by Defendants, the unreasonably dangerous and defective  
4 nature of talcum powder, and the attendant effects of developing ovarian cancer. All of the claims in this  
5 action involve common legal, common factual, and common medical issues.

6 16. Plaintiffs are informed and believe, and based thereon allege, that at all relevant times  
7 Defendant JOHNSON & JOHNSON is a corporation doing business in and authorized to do business in  
8 the state of California and was incorporated in New Jersey in 1887.

9 17. Plaintiffs are informed and believe, and based thereon allege, that at all relevant times  
10 Defendant JOHNSON & JOHNSON maintains an office located at One Johnson & Johnson Plaza, New  
11 Brunswick, New Jersey, 08933 as well as several locations within the state of California, and has  
12 approximately 127,100 employees worldwide. As stated in JOHNSON & JOHNSON's Form10-K  
13 Annual Report Pursuant to Section 13 of the Securities Exchange Act of 1934 for the fiscal year ended  
14 January 3, 2016, JOHNSON & JOHNSON's primary focus is on products related to human health and  
15 well-being.

16 18. Plaintiffs are informed and believe, and based thereon allege that at all relevant times  
17 Defendant JOHNSON & JOHNSON's family of companies includes more than 250 operating companies  
18 conducting business in 60 countries of the world and organized into three business segments: Consumer,  
19 Pharmaceutical and Medical Devices.

20 19. Plaintiffs are informed and believe, and based thereon allege that at all relevant times the  
21 JOHNSON & JOHNSON family of companies includes 121 manufacturing facilities and, within the  
22 United States, eight facilities are used by the Consumer segment. In addition to the manufacturing  
23 facilities, JOHNSON & JOHNSON maintains numerous offices and warehouses in the United States.

24 20. Plaintiffs are informed and believe, and based thereon allege that at all relevant times the  
25 Consumer segment of the JOHNSON & JOHNSON family of companies includes a broad range of over-  
26 the-counter products including, but not limited to, Shower to Shower body powder and Johnson &  
27 JOHNSON's Baby Powder. These products are marketed to the general public and sold both to retail  
28 outlets and distributors throughout the world.

1           21. Plaintiffs are informed and believe, and based thereon allege that at all relevant times,  
2 Defendant JOHNSON & JOHNSON has engaged in substantial, continuous economic activity in  
3 California, including marketing, distribution, and sale of billions dollars in products to Californians  
4 including, but not limited to, Shower to Shower body powder and Johnson & JOHNSON's Baby Powder,  
5 that said activity by Defendant is substantially connected to the Plaintiff's claims as alleged herein.

6           22. Plaintiffs are informed and believe, and based thereon allege at all relevant times, Defendant  
7 JOHNSON & JOHNSON CONSUMER COMPANIES, INC., was a New Jersey Corporation doing  
8 business in the state of California, a wholly owned subsidiary of JOHNSON & JOHNSON, and engaged  
9 in substantial, continuous economic activity in California, including marketing, distribution, and sale of  
10 billions dollars in products to Californians including, but not limited to, Shower to Shower body powder  
11 and Johnson & JOHNSON's Baby Powder, that said activity by Defendant is substantially connected to  
12 the Plaintiff's claims as alleged herein.

13           23. Plaintiffs are informed and believe, and based thereon allege that, at all relevant times,  
14 Defendant, IMERYS TALC AMERICA, INC., is a Delaware corporation, with its principal place of  
15 business in the state of California.

16           24. Plaintiffs are informed and believe, and based thereon allege that, at all relevant times,  
17 IMERYS TALC AMERICA, INC., is the successor or continuation of Luzenac America, Inc., and  
18 IMERYS TALC AMERICA, INC. is legally responsible for all liabilities incurred when it was known as  
19 Luzenac America, Inc..

20           25. Plaintiffs are informed and believe, and based thereon allege that, at all relevant times,  
21 Defendant, IMERYS TALC AMERICA, INC. has been in the business of mining and distributing  
22 talcum powder for use in talcum powder based products, including the PRODUCTS.

23           26. Plaintiffs are informed and believe, and based thereon allege that, at all relevant times,  
24 the true names or capacities, whether individual, corporate, or otherwise, of Defendants Does 1 through  
25 100, inclusive, were unknown to Plaintiff at the time of original filing of the underlying complaint in this  
26 action and, therefore sue said Defendants by such fictitious names.

27           27. Plaintiffs are informed and believe, and based thereon allege that, at all relevant times,  
28 the true names or capacities, whether individual, corporate, or otherwise, of Defendants DOES 1 through

1 100, inclusive, remain unknown to Plaintiff and, therefore Plaintiff sues said Defendants by such  
2 fictitious names. Plaintiff is informed and believes and based thereon alleges that each of the Defendants  
3 designated herein by fictitious names is in some manner legally responsible for the events and  
4 happenings herein referred to and caused damages proximately and foreseeably to Plaintiff as alleged  
5 herein.

6 28. Plaintiffs are informed and believe, and based thereon allege that, at all relevant times,, all  
7 of said Defendants herein, including DOES 1 through 100, inclusive, are collectively referred to herein as  
8 "Defendants" and all acts and omissions of Defendants as alleged herein were undertaken by each of the  
9 Defendants or said Defendants agents, servants, employees and/or owners, acting in the course and scope  
10 of its respective agencies, services, employments and/or ownerships.

11 29. Plaintiffs are informed and believe, and based thereon allege that, at all relevant times, all  
12 allegations concerning Defendants includes Defendants' parents, subsidiaries, affiliates, divisions,  
13 franchises, partners, joint venturers, organizational units of any kind, predecessors, successors and  
14 assigns, and their officers, directors, employees, agents, representatives, and any and all other persons  
15 acting on behalf of Defendants.

16 30. Plaintiffs are informed and believe, and based thereon allege that, at all relevant times,  
17 Defendants and DOES 1 through 100, inclusive, and each of them, were engaged in the business of  
18 placing Shower to Shower body powder and Johnson & JOHNSON's Baby Powder (hereinafter  
19 "PRODUCTS") into the stream of commerce by designing, manufacturing, marketing, packaging,  
20 labeling, and/or selling said PRODUCTS to Californians, including Plaintiff herein.

21 31. Plaintiffs are informed and believe, and based thereon allege that, at all relevant times,  
22 Defendants and DOES 1 through 100, inclusive, designed, developed, patented, manufactured,  
23 marketed, advertised, promoted and/or sold the PRODUCTS worldwide and in the state of California.

24 32. As a direct and proximate result of the injuries alleged herein, Plaintiffs have incurred and  
25 will incur medical expenses in the future, have endured and will endure pain and suffering and loss of  
26 enjoyment of life, and Plaintiffs have otherwise been damaged in a personal and pecuniary nature.

27 33. Plaintiffs are informed and believe, and based thereon allege that, all claims in this action  
28 are a direct and proximate result of Defendants' and/or their corporate predecessors negligent, willful,



1 and wrongful conduct in connection with the design, development, manufacture, testing, packaging,  
2 promoting, marketing, distribution, labeling, and/or sale of the PRODUCTS.

3 34. Plaintiffs in this action seeks recovery for damages as a result of developing ovarian  
4 cancer, which was directly and proximately caused by such wrongful conduct by Defendants, the  
5 unreasonably dangerous and defective nature of the talcum powder, the main ingredient of the  
6 PRODUCTS, and the attendant effects of developing and suffering from ovarian cancer.

7 35. Plaintiffs developed ovarian cancer, and suffered effects attendant thereto, as a direct and  
8 proximate result of the unreasonably dangerous and defective nature of the PRODUCTS and the talcum  
9 powder therein, and Defendants' wrongful and negligent conduct in the research, development, testing,  
10 manufacture, production, promotion, distribution, marketing, and sale of the PRODUCTS. As a direct  
11 and proximate result of these injuries, Plaintiffs have incurred and will incur medical expenses in the  
12 future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiffs have  
13 otherwise been damaged in a personal and pecuniary nature.

14 36. Plaintiffs are informed and believe, and based thereon allege that, at all relevant times  
15 alleged herein, all Defendants were engaged in the research, development, manufacture, design, testing,  
16 sale and marketing of PRODUCTS, and introduced said PRODUCTS into interstate commerce with  
17 knowledge and intent that such products be sold to consumers in the State of California.

18 37. Venue is proper in this Court because one or more Plaintiffs is a citizen of the state of  
19 California and the county of Los Angeles, purchased the PRODUCTS in the state of California and the  
20 county of Los Angeles, used the PRODUCTS in the state of California and the county of Los Angeles,  
21 and was exposed to the PRODUCTS in the state of California and the county of Los Angeles.

#### 22 COMMON ALLEGATIONS

23 38. The PRODUCTS that are the subject of this action all contain talc, also known as  
24 magnesium trisilicate. Talc is an inorganic mineral that is mined from the earth.

25 39. Talc is the main ingredient contained in the PRODUCTS, as the PRODUCTS are  
26 composed almost entirely of talc.

27 40. Plaintiffs are informed and believe, and based thereon allege that, at all relevant times  
28 alleged herein, a feasible alternative to the PRODUCTS has existed.

1           41.     Plaintiffs are informed and believe, and based thereon allege that, Cornstarch is an organic  
2 carbohydrate that is quickly broken down by the body with no known health effects. Cornstarch powders  
3 have been sold and marketed for the same uses with nearly the same effectiveness.

4           42.     Plaintiffs are informed and believe, and based thereon allege that, at all relevant times  
5 alleged herein, Defendants have continually advertised and marketed talc as safe for human use.

6           43.     Plaintiffs are informed and believe, and based thereon allege that, at all relevant times,  
7 IMERYS TALC AMERICA, INC. (IMERYS)<sup>1</sup> has continually advertised and marketed talc as safe for  
8 human use.

9           44.     Plaintiffs are informed and believe, and based thereon allege that, at all relevant times,  
10 IMERYS supplied customers with material safety data sheets for talc. These material safety data sheets  
11 are supposed to convey adequate health and warning information to its customers.

12           45.     Plaintiffs are informed and believe, and based thereon allege that, historically, the  
13 PRODUCT "JOHNSON's Baby Powder" has been a symbol of freshness, cleanliness, and purity.

14           46.     Plaintiffs are informed and believe, and based thereon allege that, at all relevant times  
15 alleged herein, the Defendants advertised and marketed this product as the beacon of "freshness" and  
16 "comfort", eliminating friction on the skin, absorbing "excess wetness" helping keep skin feeling dry and  
17 comfortable, and "clinically proven gentle and mild". The Defendants compelled women through  
18 advertisements to dust themselves with this product to mask odors. The bottle of "JOHNSON's Baby  
19 Powder" specifically targets women by stating, "For you, use every day to help feel soft, fresh, and  
20 comfortable."

21           47.     Plaintiffs are informed and believe, and based thereon allege that, at all relevant times  
22 alleged herein, Defendants advertised and marketed the product "Shower to Shower" as safe for use by  
23 women as evidenced in its slogan "A sprinkle a day keeps odor away", and through advertisements such  
24 as "Your body perspires in more places than just under your arms. Use SHOWER to SHOWER to feel  
25 dry, fresh, and comfortable throughout the day." And "SHOWER to SHOWER can be used all over your  
26 body."

27  
28  
<sup>1</sup> All allegations regarding actions taken by Imerys Talc also include actions taken while that entity was known as  
Luzenac America, Inc.

1        48. Each of the Plaintiffs herein used the PRODUCTS to dust her perineum for feminine  
2 hygiene purposes. This was an intended and foreseeable use of the PRODUCTS based on the advertising,  
3 marketing, and labeling of the PRODUCTS.

4        49. Plaintiffs are informed and believe, and based thereon allege that in 1971, the first study  
5 was conducted that suggested an association between talc and ovarian cancer. This study was conducted  
6 by Dr. WJ Henderson and others in Cardiff, Wales.

7        50. Plaintiffs are informed and believe, and based thereon allege that in 1982, the first  
8 epidemiologic study was performed on talc powder use in the female genital area. This study was  
9 conducted by Dr. Daniel Cramer and others. This study found a 92% increased risk in ovarian cancer  
10 with women who reported genital talc use. Shortly after this study was published, Dr. Bruce Semple of  
11 defendant JOHNSON & JOHNSON came and visited Dr. Cramer about his study. Dr. Cramer advised  
12 Dr. Semple that defendants should place a warning on its talcum powder PRODUCTS concerning the  
13 ovarian cancer risks so that women can make an informed decision about their health.

14        51. Plaintiffs are informed and believe, and based thereon allege that since 1982, there have  
15 been approximately twenty-two (22) additional epidemiologic studies providing data regarding the  
16 association of talc and ovarian cancer. Nearly all of these studies have reported an elevated risk for  
17 ovarian cancer associated with genital talc use in women.

18        52. Plaintiffs are informed and believe, and based thereon allege that in 1993, the United  
19 States National Toxicology Program published a study on the toxicity of non-asbestiform talc and found  
20 clear evidence of carcinogenic activity. Talc was found to be a carcinogen, with or without the presence  
21 of asbestos-like fibers.

22        53. Plaintiffs are informed and believe, and based thereon allege that, in response to the  
23 United States National Toxicology Program's study, the Cosmetic Toiletry and Fragrance Association  
24 (CTFA) formed the Talc Interested Party Task Force (TIPTF). Defendants JOHNSON & JOHNSON, and  
25 JOHNSON & JOHNSON CONSUMER COMPANIES, INC. were members of the CTFA and were the  
26 primary actors and contributors of the TIPTF. The stated purpose of the TIPTF was to pool financial  
27 resources of these companies in an effort to collectively defend talc use at all costs and to prevent  
28 regulation of any type over this industry. The TIPTF hired scientists to perform biased research regarding

1 the safety of talc, members of the TIPTF edited scientific reports of the scientists hired by this group  
2 prior the submission of these scientific reports to governmental agencies, members of the TIPTF  
3 knowingly released false information about the safety of talc to the consuming public, and used political  
4 and economic influence on regulatory bodies regarding talc. All of these activities have been well  
5 coordinated and planned by these companies and organizations over the past four (4) decades in an effort  
6 to prevent regulation of talc and to create confusion to the consuming public about the true hazards of  
7 talc relative to ovarian cancer.

8 54. Plaintiffs are informed and believe, and based thereon allege that, on November 10, 1994,  
9 the Cancer Prevention Coalition mailed a letter to then JOHNSON & JOHNSON C.B.O, Ralph Larson,  
10 informing his company that studies as far back as 1960's " ... show conclusively that the frequent use of  
11 talcum powder in the genital area pose a serious health risk of ovarian cancer." The letter cited a recent  
12 study from Dr. Harlow of Harvard Medical School confirming this fact and quoted a portion of the study  
13 where Dr. Harlow and his colleagues discouraged the use of talc in the female genital area. The letter  
14 further stated that 14,000 women per year die from ovarian cancer and that this type of cancer is very  
15 difficult to detect and has a low survival rate. The letter concluded by requesting that JOHNSON &  
16 JOHNSON withdraw talc products from the market because the alternative of corn starch powders, or at  
17 a minimum, place warning information on its talc-based PRODUCTS about ovarian cancer risk they  
18 pose.

19 55. Plaintiffs are informed and believe, and based thereon allege that, in 1996, the condom  
20 industry stopped dusting condoms with talc due to the health concerns of ovarian cancer.

21 56. Plaintiffs are informed and believe, and based thereon allege that, in February of 2006, the  
22 International Association for the Research of Cancer (IARC) part of the World Health Organization  
23 published a paper whereby they classified perineal use of talc based body powder as a "Group 2B"  
24 human carcinogen. IARC which is universally accepted as the international authority on cancer issues,  
25 concluded that studies from around the world consistently found an increased risk of ovarian cancer in  
26 women from perineal use of talc. IARC found that between 16-52% of women in the world were using  
27 talc to dust their perineum and found an increased risk of ovarian cancer in women talc users ranging  
28 from 30-60%. IARC concluded with this Evaluation": "There is limited evidence in humans for the

1 carcinogenicity of perineal use of talc-based body powder." By definition "Limited evidence of  
2 carcinogenicity" means "a positive association has been observed between exposure to the agent and  
3 cancer for which a causal interpretation is considered by the Working Group to be credible, but chance,  
4 bias or confounding could not be ruled out with reasonable confidence."

5 57. Plaintiffs are informed and believe, and based thereon allege that, in 2006, the Canadian  
6 government under The Hazardous Products Act and associated Controlled Products Regulations  
7 classified talc as a "D2A", "very toxic", "cancer causing" substance under its Workplace Hazardous  
8 Materials Information System (WHMIS). Asbestos is also classified as "D2A".

9 58. Plaintiffs are informed and believe, and based thereon allege that, in 2006, Defendants'  
10 vendor, Imerys Talc, began placing a warning on its Material Safety Data Sheets (MSDS) it provided to  
11 the Johnson & Johnson Defendants regarding the talc it sold to them to be used in the PRODUCTS.  
12 These MSDSs not only provided the warning information about the IARC classification but also  
13 included warning information regarding "States Rights to Know" and warning information about the  
14 Canadian Government's "D2A" classification of talc as well.

15 59. Plaintiffs are informed and believe, and based thereon allege that, Defendants had a duty  
16 to know and warn about the hazards associated with the use of the PRODUCTS.

17 60. Plaintiffs are informed and believe, and based thereon allege that, Defendants failed to  
18 inform consumers, customers, and end users of the PRODUCTS of a known catastrophic health hazard  
19 associated with the use of its products. In addition, the Defendants procured and disseminated false,  
20 misleading, and biased information regarding the safety of the PRODUCTS to the public and used  
21 influence over governmental and regulatory bodies regarding talc.

22 61. As a direct and proximate result of the Defendants' calculated and reprehensible conduct,  
23 Plaintiffs suffered catastrophic injuries and damages, namely ovarian cancer, which required surgeries  
24 and treatments.

25 ///

26 ///

27 ///

28 ///

**FIRST CAUSE OF ACTION**  
**STRICT LIABILITY FOR FAILURE TO WARN**  
**(Against All Defendants)**

62. Plaintiffs hereby incorporate each of the preceding paragraphs as if fully set forth herein.

63. Plaintiffs are informed and believe, and based thereon allege that, at all relevant times alleged herein, Imerys Talc mined and sold talc to the Defendants, and Defendants then packaged and sold said talc in the PRODUCTS to consumers knew that consumers of the PRODUCTS were using it to powder their perineal regions.

64. Plaintiffs are informed and believe, and based thereon allege that, at all relevant times alleged herein, Defendants knew and/or should have known of the unreasonably dangerous and carcinogenic nature of the talc contained in the PRODUCTS.

65. Plaintiffs are informed and believe, and based thereon allege that hat, at all relevant times alleged herein, Defendants, especially when used in a woman's perineal regions, knew or should have known that no warnings were being given consumers of the serious risks posed by use of the PRODUCTS.

66. Plaintiffs are informed and believe, and based thereon allege that, at all relevant times alleged herein, the Defendants were manufacturing, marketing, testing, promoting, selling and/or distributing the PRODUCTS in the regular course of business.

67. Plaintiffs are informed and believe, and based thereon allege that, at all relevant times alleged herein, Plaintiff used the PRODUCTS to powder her perineal area, which is a reasonably foreseeable use.

68. Plaintiffs are informed and believe, and based thereon allege that, at all relevant times alleged herein, at all pertinent times, all Defendants in this action knew or should have known that the use of talcum powder based products in the perineal area significantly increases the risk of ovarian cancer based upon scientific knowledge dating back to the 1960s.

69. Plaintiffs are informed and believe, and based thereon allege that, at all relevant times alleged herein, including the time of sale and consumption, the PRODUCTS, when put to the aforementioned reasonably foreseeable use, were in an unreasonably dangerous and defective condition

1 because they failed to contain adequate and proper warnings and/or instructions regarding the increased  
2 risk of ovarian cancer associated with the use of the PRODUCTS by women to powder their perineal  
3 area. Defendants themselves failed to properly and adequately warn and instruct Plaintiffs as to the risks  
4 and benefits of the PRODUCTS given Plaintiffs' need for this information.

5 70. Had the Plaintiffs received a warning that the use of the PRODUCTS would have  
6 significantly increased their risk of ovarian cancer, Plaintiffs would not have used the same. As a  
7 proximate result of Defendants' design, manufacture, marketing, sale, and distribution of the  
8 PRODUCTS, Plaintiffs have been injured catastrophically, and have been caused severe and permanent  
9 pain, suffering, disability, impairment, loss of enjoyment of life, loss of care, comfort, and economic  
10 damages.

11 71. Plaintiffs are informed and believe, and based thereon allege that, at all relevant times  
12 alleged herein, Plaintiffs' cancers were the direct and proximate result of the unreasonably dangerous and  
13 defective condition of the PRODUCTS at the time of sale and consumption, including their lack of  
14 warnings; Plaintiffs have suffered injuries and damages including but not limited to conscious pain and  
15 suffering, medical expenses and lost wages.

16 72. Plaintiffs are informed and believe, and based thereon allege that, at all relevant times  
17 alleged herein, the Defendants' products were defective because they failed to contain warnings and/or  
18 instructions, and breached express warranties and/or failed to conform to express factual representations  
19 upon which the Plaintiffs justifiably relied in electing to use the products. The defect or defects made the  
20 products unreasonably dangerous to those persons, such as Plaintiffs, who could reasonably be expected  
21 to use and rely upon such products. As a result, the defect or defects were a producing cause of the  
22 Plaintiffs' injuries and damages.

23 73. Plaintiffs are informed and believe, and based thereon allege that, at all relevant times  
24 alleged herein, the Defendants' products failed to contain, and continue to this day not to contain,  
25 adequate warnings and/or instructions regarding the increased risk of ovarian cancer with the use of their  
26 products by women. The Defendants continue to market, advertise, and expressly represent to the general  
27 public that it is safe for women to use their product regardless of application. Defendants continue with  
28 these marketing and advertising campaigns despite having scientific knowledge that dates back to the

1960's that their products increase the risk of ovarian cancer in women when used in the perineal area.

**SECOND CAUSE OF ACTION**

**STRICT LIABILITY IN TORT - DESIGN DEFECT**

**(Against All Defendants)**

74. Plaintiffs hereby incorporate each of the preceding paragraphs as if fully set forth herein.

75. Plaintiffs are informed and believe, and based thereon allege that that, at all relevant times alleged herein, the PRODUCTS were designed, engineered, developed, manufactured, fabricated, assembled, equipped, tested or failed to test, inspected or failed to inspect, labeled, advertised, promoted, marketed, supplied, distributed, licensed, wholesaled, and sold by Defendants.

76. Plaintiffs are informed and believe, and based thereon allege that, at all relevant times alleged herein, the PRODUCTS manufactured, supplied, licensed and/or placed into the stream of commerce by Defendants were defective and unreasonably dangerous in that:

- the foreseeable risks far exceeded the benefits associated with the design or formulation;
- they contained inadequate warnings or instructions; and
- they contained dangerous ingredients while feasible safer alternative designs and ingredients were available.

77. Plaintiffs are informed and believe, and based thereon allege that, at all relevant times alleged herein, the PRODUCTS manufactured, supplied, licensed and/or placed into the stream of commerce by Defendants were more dangerous than an ordinary consumer would expect, and more dangerous than other products or procedures available.

78. Plaintiffs are informed and believe, and based thereon allege that, at all relevant times alleged herein, Defendants knew that the PRODUCTS were to be purchased and used without inspection for defects.

79. Plaintiffs are informed and believe, and based thereon alleges that, at all relevant times alleged herein, the PRODUCTS were and are unsafe for their intended use by reason of defects in the design so that they would not safely serve their purpose, but would instead expose the users of said PRODUCTS to serious injuries.



1       80.     Plaintiffs used the PRODUCTS in a reasonably foreseeable manner.

2       81.     Plaintiffs are informed and believe, and based thereon allege that, at all relevant times  
3 alleged herein, Defendants designed the PRODUCTS defectively, causing the PRODUCTS to fail to  
4 perform as safely as an ordinary consumer would expect when used in an intended or reasonably  
5 foreseeable manner.

6       82.     As a legal and proximate result of the aforementioned defects in the design of the  
7 PRODUCTS, Plaintiffs sustained the injuries and damages as alleged herein.

8                               **THIRD CAUSE OF ACTION**

9                               **NEGLIGENCE**

10                              **(Against All Defendants)**

11       83.     Plaintiffs hereby incorporate each of the preceding paragraphs as if fully set forth herein.

12       84.     Plaintiffs are informed and believe, and based thereon allege that, at all relevant times  
13 alleged herein, Defendants were negligent in marketing, designing, manufacturing, producing,  
14 supplying, inspecting, testing, selling and/or distributing the PRODUCTS in one or more of the  
15 following respects:

- 16               • In failing to warn Plaintiffs of the hazards associated with the use of the PRODUCTS;
- 17               • In failing to properly test their products to determine adequacy and effectiveness or
- 18               safety measures, if any, prior to releasing the PRODUCTS for consumer use;
- 19               • In failing to properly test their products to determine the increased risk of ovarian
- 20               cancer during the normal and/or intended use of the PRODUCTS;
- 21               • In failing to inform ultimate users, such as Plaintiffs, as to the safe and proper methods
- 22               of handling and using the PRODUCTS;
- 23               • In failing to remove the PRODUCTS from the market when the Defendants knew or
- 24               should have known the PRODUCTS were defective;
- 25               • In failing to instruct the ultimate users, such as Plaintiffs, as to the methods for
- 26               reducing the type of exposure to the PRODUCTS which caused increased risk of
- 27               ovarian cancer;

28     ///

- In failing to inform the public in general and the Plaintiffs in particular of the known dangers of using the PRODUCTS for dusting the perineum;
- In failing to advise users how to prevent or reduce exposure that caused increased risk for ovarian cancer;
- In marketing and labeling the PRODUCTS as safe for all uses despite knowledge to the contrary.
- In failing to act like a reasonably prudent company under similar circumstances.

85. Each and all of these acts and omissions, taken singularly or in combination, were a proximate cause of the injuries and damages sustained by Plaintiffs.

86. Plaintiffs are informed and believe, and based thereon allege that, at all relevant times alleged herein, Defendants knew or should have known that the PRODUCTS were unreasonably dangerous and defective when put to their reasonably anticipated use.

87. Plaintiffs are informed and believe, and based thereon allege that, as a direct and proximate result of the Defendants' negligence in one or more of the aforementioned ways, Plaintiff purchased and used, as aforesaid, the PRODUCTS that directly and proximately caused Plaintiff to develop ovarian cancer;

88. Plaintiffs are informed and believe, and based thereon allege that, Plaintiffs were caused to incur medical bills, lost wages, and conscious pain and suffering.

**FOURTH CAUSE OF ACTION**  
**BREACH OF EXPRESS WARRANTY**  
**(All Defendants)**

89. Plaintiffs hereby incorporate each of the preceding paragraphs as if fully set forth herein.

90. Plaintiffs are informed and believe, and based thereon allege that, at all relevant times alleged herein, Defendants expressly warranted, through direct-to-consumer marketing, advertisements, and labels, that the PRODUCTS were safe and effective for reasonably anticipated uses, including use by women in the perineal area.

91. Plaintiffs are informed and believe, and based thereon allege that that, at all relevant times alleged herein, the PRODUCTS did not conform to these express representations because they

1 cause serious injury when used by women in the perineal area in the form of ovarian cancer.

2 92. As a direct and proximate result of the Defendants' breach of warranty, Plaintiffs  
3 purchased and used, as aforesaid, the PRODUCTS that directly and proximately caused Plaintiffs to  
4 develop ovarian cancer; Plaintiffs were caused to incur special and general damages.

5 **FIFTH CAUSE OF ACTION**

6 **BREACH OF IMPLIED WARRANTY**

7 **(All Defendants)**

8 93. Plaintiffs hereby incorporate each of the preceding paragraphs as if fully set forth herein.

9 94. Plaintiffs are informed and believe, and based thereon allege that at the time the  
10 Defendants manufactured, marketed, labeled, promoted, distributed and/or sold the PRODUCTS,  
11 Defendants knew of the uses for which the PRODUCTS were intended, including use by women in the  
12 perineal area, and impliedly warranted the PRODUCTS to be of merchantable quality and safe for such  
13 use.

14 95. Defendants breached their implied warranties of the PRODUCTS sold to Plaintiff  
15 because they were not fit for their common, ordinary and intended uses, including use by women in the  
16 perineal area.

17 96. As a direct, foreseeable and proximate result of the Defendants' breaches of implied  
18 warranties, Plaintiff purchased and used, as aforesaid, the PRODUCTS that directly and proximately  
19 caused each Plaintiffs to develop ovarian cancer; Plaintiffs were caused to incur medical bills, lost  
20 wages, and conscious pain and suffering.

21 **SIXTH CAUSE OF ACTION**

22 **NEGLIGENT MISREPRESENTATION**

23 **(All Defendants)**

24 97. Plaintiffs hereby incorporate each of the preceding paragraphs as if fully set forth herein.

25 98. Defendants had a duty to accurately and truthfully represent to the Plaintiffs and the  
26 public, that the PRODUCTS had been tested and found to be safe and effective for use in the perineal  
27 area. The representations made by Defendants, in fact, were false.

28 ///

1 99. Defendants failed to exercise ordinary care in the representations concerning the  
2 PRODUCTS while they were involved in their manufacture, sale, testing, quality assurance, quality  
3 control, and distribution in interstate commerce, because Defendants negligently misrepresented the  
4 PRODUCTS' high risk of unreasonable, dangerous, adverse side effects.

5 100. Defendants breached their duty in representing that the PRODUCTS have no serious side  
6 effects.

7 101. As a foreseeable, direct and proximate result of the negligent misrepresentation of  
8 Defendants as set forth herein, Defendants knew, and had reason to know, that the PRODUCTS had been  
9 insufficiently tested, or had not been tested at all, and that they lacked adequate and accurate warnings,  
10 and that it created a high risk, and/or higher than acceptable risk, and/or higher than reported and  
11 represented risk, of adverse side effects.

12 102. As a proximate result of Defendants' conduct, Plaintiffs have been injured and sustained  
13 severe and permanent pain, suffering, disability, impairment, loss of enjoyment of life, loss of care and  
14 comfort, and economic damages.

- 15 • In failing to warn Plaintiffs of the hazards associated with the use of the PRODUCTS;
- 16 • In failing to properly test their products to determine adequacy and effectiveness or
- 17 safety measures, if any, prior to releasing the PRODUCTS for consumer use;
- 18 • In failing to properly test their products to determine the increased risk of ovarian
- 19 cancer during the normal and/or intended use of the PRODUCTS;
- 20 • In failing to inform ultimate users, such as Plaintiffs, as to the safe and proper
- 21 methods of handling and using the PRODUCTS;
- 22 • In failing to remove the PRODUCTS from the market when the Defendants knew or
- 23 should have known the PRODUCTS were defective;
- 24 • In failing to instruct the ultimate users, such as Plaintiffs, as to the methods for
- 25 reducing the type of exposure to the PRODUCTS which caused increased risk of
- 26 ovarian cancer;
- 27 • In failing to inform the public in general and the Plaintiffs in particular of the known
- 28 dangers of using the PRODUCTS for dusting the perineum;

- In failing to advise users how to prevent or reduce exposure that caused increased risk for ovarian cancer;
- In marketing and labeling the PRODUCTS as safe for all uses despite knowledge to the contrary.
- In failing to act like a reasonably prudent company under similar circumstances.

103. As a result of the foregoing fraudulent and deceitful conduct by Defendants, and each of them, Plaintiffs suffered injuries and damages as alleged hereinabove.

#### **SEVENTH CAUSE OF ACTION**

##### **DECEIT BY CONCEALMENT - CALIFORNIA *CIVIL CODE* §§ 1709, 1710**

104. Plaintiffs hereby incorporate each of the preceding paragraphs as if fully set forth herein.

105. Defendants, and each of them, from the time that the PRODUCTS were first tested, studied, researched, evaluated, endorsed, manufactured, marketed and distributed, and up to the present, willfully deceived the Plaintiffs and the public in general, by concealing from them, the true facts concerning the PRODUCTS, which the Defendants had a duty to disclose.

106. At all times relevant hereto, Defendants, and each of them, conducted a sales and marketing campaign to promote the sale of the PRODUCTS and willfully deceived the Plaintiffs, and the public in general as to the health risks and consequences of the use of the PRODUCTS including, but not limited to, the following false, deceptive, misleading, and untruthful advertisements, public statements, marketing campaigns, and promotions:

- a. In failing to warn Plaintiffs of the hazards associated with the use of the PRODUCTS;
- b. In failing to properly test their products to determine adequacy and effectiveness or safety measures, if any, prior to releasing the PRODUCTS for consumer use;
- c. In failing to properly test their products to determine the increased risk of ovarian cancer during the normal and/or intended use of the PRODUCTS;
- d. In failing to inform ultimate users, such as Plaintiffs, as to the safe and proper methods of handling and using the PRODUCTS;
- e. In failing to remove the PRODUCTS from the market when the Defendants knew or should have known the PRODUCTS were defective;

- 1 f. In failing to instruct the ultimate users, such as Plaintiffs, as to the methods for  
2 reducing the type of exposure to the PRODUCTS which caused increased risk of  
3 ovarian cancer;  
4 g. In failing to inform the public in general and the Plaintiffs in particular of the known  
5 dangers of using the PRODUCTS for dusting the perineum;  
6 h. In failing to advise users how to prevent or reduce exposure that caused increased risk  
7 for ovarian cancer;  
8 i. In marketing and labeling the PRODUCTS as safe for all uses despite knowledge to  
9 the contrary.  
10 j. In failing to act like a reasonably prudent company under similar circumstances.

11 107. Defendants, and each of them, were aware of the foregoing, and that the PRODUCTS  
12 were not safe, fit, and effective for use as intended. Furthermore, Defendants were aware that the use of  
13 the PRODUCTS were hazardous to health, and that the PRODUCTS carry a significant propensity to  
14 cause serious injuries to users including, but not limited to, the injuries suffered by Plaintiff as alleged  
15 herein.

16 108. Defendants intentionally concealed and suppressed the true facts concerning the  
17 PRODUCTS with the intent to defraud the Plaintiffs, other consumers, and the public in general, in that  
18 Defendants knew that Plaintiffs would not have used the PRODUCTS if she had known the true facts  
19 concerning the risks and dangers of the PRODUCTS.

20 109. As a result of the foregoing fraudulent and deceitful conduct by Defendants, and each of  
21 them, Plaintiffs suffered injuries and damages as alleged hereinabove.

22 **EIGHTH CAUSE OF ACTION**

23 **FRAUD**

24 110. Plaintiffs hereby incorporate each of the preceding paragraphs as if fully set forth herein.

25 111. Defendants falsely and fraudulently represented to Plaintiffs, and members of the general  
26 public, that the PRODUCTS were safe for use. The representations by Defendants were in fact, false. The  
27 true facts were that the PRODUCTS were not safe for use by and members of the general public and  
28 were, in fact, extremely dangerous to consumers.

1 112. Defendants made other representations about the safety of PRODUCTS, including, but not  
2 limited to, the false, deceptive, misleading, and untruthful advertisements, public statements, marketing  
3 campaigns, and promotions alleged herein.

4 113. The representations by Defendants were, in fact, false. The true facts are that the  
5 PRODUCTS cause ovarian cancer.

6 114. Defendants misrepresented the safety of the PRODUCTS, represented that the  
7 PRODUCTS marketed were safe for long term use, and concealed warnings of the known or knowable  
8 risks and side effects of the PRODUCTS.

9 115. When the Defendants made these representations, they knew that such representations  
10 were false. Defendants made the representations with the intent to defraud and deceive the Plaintiffs,  
11 consumers and the public in general, and with the intent to induce them to use the PRODUCTS and act in  
12 the manner alleged in this complaint.

13 116. The Plaintiffs took the actions alleged in this complaint, while ignorant of the falsity of the  
14 representations and reasonably believed them to be true. In reliance upon such representations, they were  
15 induced to, and did, use the PRODUCTS as alleged in this complaint. If Plaintiffs had known the actual  
16 facts, Plaintiffs would not have taken such actions nor used the PRODUCTS, and their reliance upon  
17 Defendants' misrepresentations was justified because such misrepresentations were made and conducted  
18 by individuals and entities that were in a position to know the true facts.

19 117. As a direct and proximate result of Defendants' fraud and deceit, Plaintiffs sustained the  
20 injuries and damages as alleged in this complaint.

21 118. In doing the acts alleged in this complaint, the Defendants acted with oppression, fraud,  
22 and malice. Plaintiffs are therefore entitled to punitive damages to deter the Defendants and others from  
23 engaging in similar conduct in the future. The wrongful conduct was undertaken with the advance  
24 knowledge, authorization, or ratification of an officer, director, or managing agent of Defendants.

25 119. The Defendants have acted willfully, wantonly, with an evil motive, and recklessly in one  
26 or more of the following ways:

- 27 a. Defendants knew of the unreasonably high risk of ovarian cancer posed by the  
28 PRODUCTS before manufacturing, marketing, distributing and/or selling the

PRODUCTS, yet purposefully proceeded with such action;

- b. Despite their knowledge of the high risk of ovarian cancer associated with the PRODUCTS, Defendants affirmatively minimized this risk through marketing and promotional efforts and product labeling;
- c. Through the actions outlined above, Defendants expressed a reckless indifference to the safety of users of the PRODUCTS, including Plaintiff. Defendants' conduct, as described herein, knowing the dangers and risks of the PRODUCTS, yet concealing and/or omitting this information, in furtherance of their conspiracy and concerted action was outrageous because of Defendants' evil motive or a reckless indifference to the safety of users of the PRODUCTS.

120. As a direct and proximate result of the willful, wanton, evilly motivated and/or reckless conduct of the Defendants, the Plaintiffs have sustained damages as set forth above.

**TOLLING STATUTES OF LIMITATIONS AND PUNITIVE DAMAGES**

121. Plaintiffs hereby incorporate by reference all other paragraphs of this Complaint.

122. Plaintiffs suffered illnesses that have latency periods and do not arise until many years after exposure. Plaintiffs' illnesses did not distinctly manifest as having been caused by the PRODUCT until Plaintiffs were made aware that the ovarian cancer could be caused by use of the Defendants' PRODUCTS. Consequently, the discovery rule applies to this case and the statute of limitations has been tolled until the day that Plaintiffs knew or had reason to know that ovarian cancer was linked to the use of the PRODUCTS.

123. Furthermore, the running of any statute of limitations has been equitably tolled by reason of Defendants' fraudulent concealment and conduct. Through their affirmative misrepresentations and omissions, Defendants actively concealed from Plaintiffs the true risks associated with PRODUCTS.

124. As a result of Defendants' actions, Plaintiffs were unaware, and could not reasonably know, or could not have reasonably learned through reasonable diligence, that Plaintiffs have been exposed to the risks alleged herein and that those risks were the direct and proximate result of Defendants' acts and omissions.

///



1 125. Furthermore, Defendants are estopped from relying on any statute of limitations because  
2 of their concealment of the truth, quality and nature of PRODUCTS. Defendants were under a duty to  
3 disclose the true character, quality and nature of PRODUCTS because this was non-public information  
4 which the Defendants had and continue to have exclusive control, and because the Defendants knew that  
5 this information was not available to Plaintiffs.

6 126. Defendants had the ability to and did spend enormous amounts of money in furtherance  
7 of their purpose of marketing and promoting profitable PRODUCTS, notwithstanding the known or  
8 reasonably known risks. Plaintiffs and medical professionals could not have afforded and could not have  
9 possibly conducted studies to determine the nature, extent and identity of related health risks, and were  
10 forced to rely on Defendants' representations.

11 127. In representations to the Plaintiffs and the public in general, Defendants also fraudulently  
12 concealed and intentionally omitted the following material information:

- 13 • that the PRODUCTS were not as safe as other products available;
- 14 • that the PRODUCTS were dangerous and
- 15 • that the PRODUCTS were defectively and negligently designed and had defective,  
16 inadequate, and insufficient warnings and instructions.

17 128. Defendants were under a duty to disclose to Plaintiffs, and the public in general, the  
18 defective nature of the PRODUCTS.

19 129. Defendants made the misrepresentations and actively concealed information concerning  
20 the safety and efficacy of the PRODUCTS with the intention and specific desire to induce the  
21 consumers, including the Plaintiffs, to rely on such misrepresentations in selecting, purchasing and using  
22 the PRODUCTS.

23 130. Defendants made these misrepresentations and actively concealed information concerning  
24 the safety and efficacy of the PRODUCTS in the labeling, advertising, promotional material or other  
25 marketing efforts.

26 131. These representations, and others made by Defendants, were false when made and/or  
27 were made with the pretense of actual knowledge when such knowledge did not actually exist, and were  
28 made recklessly and without regard to the true facts.

1           132. The misrepresentations and active concealments by Defendants were perpetuated directly  
2 and indirectly by Defendants, its sales representative, employees, distributors, agents, marketers and  
3 detail persons.

4           133. At the time the representations were made, Plaintiffs did not know the truth about the  
5 dangers and serious health and/or safety risks inherent in the use of the PRODUCTS. Plaintiffs did not  
6 discover the true facts about the dangers and serious health and/or safety risks, nor did Plaintiffs  
7 discover the false representations of Defendants, nor would Plaintiffs with reasonable diligence have  
8 discovered the true facts or Defendants' misrepresentations.

9           134. Defendants knew that Plaintiffs, and the public in general, had no way to determine the  
10 truth behind Defendants' concealment and omissions, and that these included material omissions of facts  
11 surrounding the PRODUCTS, as set forth herein.

12           135. Had Plaintiffs known the true facts about the dangers and serious health and/or safety  
13 risks of the PRODUCTS, Plaintiffs would not have purchased, used, or relied on Defendants'  
14 PRODUCTS.

15           136. Defendants had a duty when disseminating information to the public to disseminate  
16 truthful information and a parallel duty not to deceive the public, Plaintiffs.

17           137. The information distributed to the public and Plaintiffs by Defendants included, but was  
18 not limited to, reports, press releases, advertising campaigns, television commercials, print  
19 advertisements, billboards and other commercial media containing material representations, which were  
20 false and misleading, and contained omissions and concealment of the truth about the dangers of the use  
21 of the PRODUCTS.

22           138. Defendants intentionally made material misrepresentations to the medical community and  
23 public, including Plaintiffs, regarding the safety of the PRODUCTS, specifically that the PRODUCTS  
24 did not have dangerous and/or serious adverse health safety concerns, and that the PRODUCTS were as  
25 safe as other products.

26           139. Defendants' intent and purpose in making these misrepresentations was to deceive the  
27 Plaintiff; to gain the confidence of the public, the medical community, and Plaintiffs, to falsely assure  
28 them of the quality and fitness for use of the PRODUCTS; and induce Plaintiffs and the public to use the

1 PRODUCTS.

2 140. Defendants recklessly and/or intentionally falsely represented the dangerous and serious  
3 health and safety concerns inherent in the use of the PRODUCTS to the public at large, for the purpose  
4 of influencing the sales of products known to be dangerous and defective, and/or not as safe as other  
5 alternatives.

6 141. At all times relevant to this action, Defendants knew that the PRODUCTS were not safe  
7 for consumers.

8 142. The misrepresentations and active concealment by Defendants constitute a continuing  
9 tort. Indeed, Defendants continue to misrepresent the potential risks and serious side effects associated  
10 with the use of the PRODUCTS.

11 143. As a result of the Defendants' advertising and marketing efforts, and representations, the  
12 PRODUCTS are and continue to be pervasively manufactured and used in California and the U.S.A..

13 144. The acts, conduct, and omissions of Defendants, and each of them, as alleged throughout  
14 this Complaint were fraudulent, willful and malicious and were done with a conscious disregard for the  
15 rights of Plaintiffs and other users of the PRODUCTS and for the primary purpose of increasing  
16 Defendant's profits from the sale and distribution of the PRODUCTS. Defendants' outrageous and  
17 unconscionable conduct warrants an award of exemplary and punitive damages against each Defendant  
18 in an amount appropriate to punish and make an example of each Defendant.

19 145. Prior to the manufacturing, sale and distribution of the PRODUCTS, Defendants, and  
20 each of them, knew that the PRODUCTS were in a defective condition as previously alleged herein and  
21 knew that those who were prescribed the PRODUCTS would experience and did experience severe  
22 physical, mental, and emotional injuries. Further, Defendants and each of them through its officers,  
23 directors, managers, and agents, had knowledge that the PRODUCTS presented a substantial and  
24 unreasonable risk of harm to the public, including Plaintiff and, as such, consumers of the PRODUCTS  
25 were unreasonably subjected to risk of injury.

26 146. Despite such knowledge, Defendants, and each of them, acting through its officers,  
27 directors and managing agents for the purpose of enhancing Defendant's profits, knowingly and  
28 deliberately failed to remedy the known defects in the PRODUCTS and failed to warn the public,

1 including the Plaintiffs, of the extreme risk of injury occasioned by said defects inherent in the  
2 PRODUCTS. Defendants and its individual agents, officers, and directors intentionally proceeded with  
3 the manufacturing, sale, distribution and marketing of the PRODUCTS knowing that the public,  
4 including Plaintiffs, would be exposed to serious danger in order to advance Defendants' own pecuniary  
5 interest and monetary profits.

6 147. Defendants' conduct was despicable, and so contemptible that it would be looked down  
7 upon and despised by ordinary decent people, and was carried on by Defendants with willful and  
8 conscious disregard for safety, entitling Plaintiffs to exemplary damages under California Civil Code  
9 section 3294.

10 148. Plaintiffs filed this lawsuit within the applicable limitations period of first suspecting that  
11 the PRODUCTS were the cause of any appreciable harm sustained by Plaintiffs, within the applicable  
12 limitations period of first suspecting or having reason to suspect any wrongdoing, and within the  
13 applicable limitations period of first discovering the injuries. Plaintiffs could not, by the exercise of  
14 reasonable diligence, have discovered any wrongdoing and could not have discovered the causes of the  
15 injuries at an earlier time because the injuries occurred without initial perceptible trauma or harm and,  
16 when the injuries were discovered, the causes were not immediately known. Plaintiffs did not suspect,  
17 nor did they have reason to suspect, that wrongdoing had caused the injuries until recently. Plaintiffs  
18 filed the original action within one-year of discovering the causes of action and identities of Defendants.

19 149. Plaintiffs had no knowledge of the defects in the PRODUCTS or of the wrongful conduct  
20 of Defendants as set forth herein, nor did Plaintiffs have access to information regarding other injuries  
21 and complaints in the possession of Defendants. Additionally, Plaintiffs were prevented from  
22 discovering this information sooner because Defendants herein misrepresented and continue to  
23 misrepresent to the public that the PRODUCTS are safe and free from defects, and Defendants  
24 fraudulently concealed information to allow Plaintiffs to discover a potential cause of action sooner.

25 150. Plaintiffs have reviewed their potential legal claims and causes of action against the  
26 Defendants and intentionally choose only to pursue claims based on state-law. Any reference to federal  
27 agency, regulation or rule is stated solely as background and do not raise a federal question. Plaintiffs  
28 choose to pursue claims based on state law and are asserting claims that raise federal questions.

**RELIEF REQUESTED**

WHEREFORE, Plaintiffs pray for judgment against Defendants and DOES 1-100, jointly and severally, and as appropriate to each cause of action alleged and the standing of each Plaintiff as follows:

1. Past and future general damages, the exact amount of which has yet to be ascertained, in an amount which will conform to proof at time of trial;
2. Past and future economic and special damages according to proof at the time of trial;
3. Loss of earnings and impaired earning capacity according to proof at the time of trial;
4. Medical expenses, past and future, according to proof at the time of trial;
5. For past and future mental and emotional distress, according to proof;
6. Punitive or exemplary damages according to proof at the time of trial;
7. Attorney's fees;
8. For costs of suit incurred herein;
9. For pre-judgment interest as provided by law; and
10. For such other and further relief as the Court may deem just and proper.

**Dated:** July 25, 2016

Respectfully submitted,

**ROBINSON CALCAGNIE, INC.**

By: Mark P. Robinson, Jr.  
Mark P. Robinson, Jr. Esq.  
Karen L. Karavatos, Esq.  
Cynthia Garber, Esq.

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1 **DEMAND FOR JURY TRIAL**

2 Plaintiff hereby demands a jury trial on all counts in this Complaint.

3  
4 Respectfully submitted,

5 **Dated:** July 25, 2016

**ROBINSON CALCAGNIE, INC.**

6  
7 By:

Mark P. Robinson, Jr.  
Mark P. Robinson, Jr. Esq.  
Karen L. Karavatos, Esq.  
Cynthia Garber, Esq.

# ORIGINAL

# By Fax

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Mark P. Robinson, Jr., SBN 054426 ROBINSON CALCAGNIE, INC. 19 Corporate Plaza Drive  Newport Beach, CA 92660 TELEPHONE NO.: 949-720-1288 FAX NO.: 949-720-1292 ATTORNEY FOR (Name): <u>Plaintiffs</u>		FOR COURT USE ONLY  <b>FILED</b> Superior Court of California County of Los Angeles  JUL 25 2016  Sherri K. Carter, Executive Officer/Clerk By <u>M. Soto</u> , Deputy Moses Soto
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: SAME CITY AND ZIP CODE: Los Angeles, CA 90012-3014 BRANCH NAME: CENTRAL DISTRICT		CASE NUMBER: <b>BC 6 2 8 2 2 8</b> JUDGE: DEPT:
CASE NAME: LLOYD, et al. v. JOHNSON & JOHNSON, et al.		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:		
<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input checked="" type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- a. ☒ Large number of separately represented parties d. ☒ Large number of witnesses
- b. ☒ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☒ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- c. ☒ Substantial amount of documentary evidence f. ☒ Substantial postjudgment judicial supervision
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify):
5. This case ☐ is ☒ is not a class action suit.

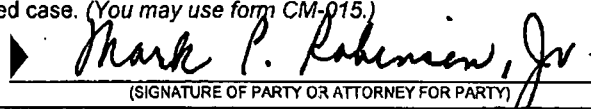
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: July 25, 2016

Mark P. Robinson, Jr., SBN 054426

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

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CASE NUMBER

BC 6 2 8 2 2 8

**CIVIL CASE COVER SHEET ADDENDUM AND  
STATEMENT OF LOCATION  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

**Item I.** Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 21 ☐ HOURS/☐ DAYS

**Item II.** Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

**Step 1:** After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

**Step 2:** Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

**Step 3:** In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.3.

**Applicable Reasons for Choosing Courthouse Location (see Column C below)**

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. Class actions must be filed in the Stanley Mosk Courthouse, central district.</li> <li>2. May be filed in central (other county, or no bodily injury/property damage).</li> <li>3. Location where cause of action arose.</li> <li>4. Location where bodily injury, death or damage occurred.</li> <li>5. Location where performance required or defendant resides.</li> </ol> | <ol style="list-style-type: none"> <li>6. Location of property or permanently garaged vehicle.</li> <li>7. Location where petitioner resides.</li> <li>8. Location wherein defendant/respondent functions wholly.</li> <li>9. Location where one or more of the parties reside.</li> <li>10. Location of Labor Commissioner Office</li> <li>11. Mandatory Filing Location (Hub Case)</li> </ol> |
|---|---|

**Step 4:** Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

Civil Case Cover Sheet Category (A)	Type of Action (Check only one) (B)	Applicable Reasons (See Step 3) (C)
Auto Tort	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	<input type="checkbox"/> A6070 Asbestos Property Damage	2.
	<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2.
	<input checked="" type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1., 4.
	<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4.
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.
	<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4.
	<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 3.
	<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4.



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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons: See Step 3 Above
Non-Personal Injury/Property Damage/ Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case <input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	2., 5., 6, 11 2., 5, 11 5, 6, 11
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1., 2., 3., 5.
		<input type="checkbox"/> A6031 Tortious Interference	1., 2., 3., 5.
		<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 8.
Real Property	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2., 6.
<input type="checkbox"/> A6032 Quiet Title		2., 6.	
<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)		2., 6.	
Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

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A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 (Check Above)
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	<input type="checkbox"/> A6141 Sister State Judgment	2., 9.
	<input type="checkbox"/> A6160 Abstract of Judgment	2., 6.
	<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2., 9.
	<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2., 8.
	<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2., 8.
	<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Miscellaneous Civil Complaints	<input type="checkbox"/> A6030 Declaratory Relief Only	1., 2., 8.
	<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
	<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
	<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8.
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Miscellaneous Civil Petitions	<input type="checkbox"/> A6121 Civil Harassment	2., 3., 9.
	<input type="checkbox"/> A6123 Workplace Harassment	2., 3., 9.
	<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2., 3., 9.
	<input type="checkbox"/> A6190 Election Contest	2.
	<input type="checkbox"/> A6110 Petition for Change of Name	2., 7.
	<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2., 3., 4., 8.
	<input type="checkbox"/> A6100 Other Civil Petition	2., 9.

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**Item III. Statement of Location:** Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., **Step 3** on Page 1, as the proper reason for filing in the court location you selected.

**REASON:** Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.

ADDRESS: 11837 Daphne Avenue

☐ 1. ☐ 2. ☒ 3. ☒ 4. ☐ 5. ☐ 6. ☐ 7. ☐ 8. ☐ 9. ☐ 10. ☐ 11.

CITY:

Hawthorne

STATE:

CA

ZIP CODE:

90250

**Item IV. Declaration of Assignment:** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.3, subd. (a)].

Dated: July 25, 2016

*Mark P. Robinson, Jr.*

(SIGNATURE OF ATTORNEY/FILING PARTY)

Mark P. Robinson, Jr.

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/15).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

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