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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

Kristi Lauris, et al., Plaintiffs, vs. Novartis AG, et al., Defendants.	Case No. 1:16-cv-00393-SEH **SECOND AMENDED COMPLAINT** **JURY TRIAL DEMANDED**

INTRODUCTION

1. This is an action brought by Plaintiffs against Defendants Novartis AG and Novartis Pharmaceuticals Corporation ("NPC") (collectively "Novartis") to recover for injuries resulting from Novartis's intentional failure to warn of dangerous and known risks associated with Tasigna—a Novartis-manufactured prescription medication for treatment of chronic myeloid leukemia (CML). Specifically, Novartis failed to warn of risks that Tasigna caused several forms of severe, accelerated, and irreversible atherosclerosis-related conditions—i.e., the narrowing and hardening of arteries delivering blood to the arms, legs, heart, and brain. Despite warning doctors and patients in Canada of the risks of atherosclerosis-related conditions, Novartis intentionally failed to warn United States doctors and patients of these risks.

2. Decedent Dainis Lauris, a California resident, was prescribed and took Tasigna for over a year. Upon taking Tasigna, Dainis Lauris developed several severe, accelerated, and irreversible atherosclerosis-related conditions, which caused, among other things, 100-percent narrowing of his femoral arteries, 40- to 60-percent narrowing of his coronary arteries, and 70-

percent narrowing of his cerebral arteries. At no time while he was prescribed and took Tasigna did Novartis warn Dainis Lauris or his prescribing doctors about the atherosclerosis-related risks Novartis knew were associated with Tasigna. As a proximate result of Dainis Lauris's atherosclerosis-related conditions and Novartis's intentional failure to warn of them, Dainis Lauris died.

JURISDICTION AND VENUE

3. This Court has diversity subject matter jurisdiction under 28 U.S.C. § 1332 because Plaintiffs and Novartis are citizens of different states, and the amount in controversy exceeds $75,000. Specifically, as will be alleged in more detail below, Plaintiffs are citizens of the State of California, while Novartis AG is a citizen of Switzerland and NPC is a citizen of the States of Delaware and New Jersey. Additionally, the damages that Plaintiffs sustained as a result of Novartis's intentional failure to warn of known and serious side effects associated with Tasigna, including the permanent loss of support, love, and companionship of their husband and father, substantially exceed $75,000.

4. Venue is appropriate in this Court under 28 U.S.C. § 1391(a) & (b) because a substantial part of the events and omissions giving rise to this action occurred in this district, and because Novartis resides in this district.

5. This Court has personal jurisdiction over both NPC and Novartis AG. This Court has specific jurisdiction over NPC because NPC produced, manufactured, marketed, sold, and failed to warn of the risks associated with the very Tasigna pills that killed Dainis Lauris, all of which were prescribed to, sold to, and ingested by Lauris in California. This Court also has specific jurisdiction over Novartis AG, as NPC functions as Novartis AG's agent in the United States, including California, and performs functions that are imperative to Novartis AG – i.e., the research, development, marketing, manufacturing, and sale of Novartis-branded drugs, including Tasigna, in the United States. Absent NPC performing these essential services for Novartis AG, Novartis AG's own officials would undertake to perform them. Further, Novartis AG controls the essential activities of Novartis NPC, and executes its global strategies in the United States, including California, through NPC. Therefore, NPC's contacts with California are imputable to

Novartis AG. The Court also has specific jurisdiction over Novartis AG based on Novartis AG's own contacts with California relating to the development, production, marketing, and sale of Novartis-branded drugs, including Tasigna.

THE PARTIES

A. The Plaintiffs

6. Dainis Lauris and Kristi Lauris were legally married on May 24, 1995, and were husband and wife prior to and as of the date of Dainis Lauris's death on March 31, 2014. Together they have two children – Plaintiffs Taylor Lauris and L.L.

7. Plaintiffs Kristi Lauris, L.L., and Taylor Lauris are the sole heirs of decedent Dainis Lauris for the purpose of bringing this wrongful death lawsuit. They are all United States citizens, residing and domiciled in Fresno, California, and are thus citizens of the State of California. At all relevant times, including at the time of his death, decedent Dainis Lauris was a United States citizen, residing and domiciled in Fresno, California, and thus was a citizen of the State of California.

8. Kristi Lauris is the sole legal guardian of Plaintiff L.L.

9. Plaintiff Kristi Lauris is the successor in interest to the Estate of Dainis Lauris. Prior to or coincident with the commencement of this action, Plaintiff Kristi Lauris filed a declaration as successor in interest of decedent Dainis Lauris, pursuant to California Code of Civil Procedure § 377.32. Said declaration accompanied and was served with Plaintiffs' original complaint. In such capacity, plaintiff Kristi Lauris brings this claim for a survival cause of action for decedent pursuant to Code of Civil Procedure § 377.30, *et seq*.

B. The Defendants

10. Defendant Novartis AG is a global healthcare company incorporated under the laws of Switzerland with its principal place of business in Basel, Switzerland. Therefore, Novartis AG is a citizen of Switzerland. Novartis AG is in the business of researching, developing, manufacturing, producing, marketing, and selling pharmaceuticals, including Tasigna. Novartis AG owns and controls hundreds of subsidiaries through which it sells pharmaceuticals in more than 180 countries to over 1 billion people worldwide. Novartis AG

markets and sells pharmaceuticals, including Tasigna, to patients in the United States through its wholly-owned subsidiary NPC.

11. Defendant NPC is incorporated in Delaware with its principal place of business in East Hanover, New Jersey, and is thus a citizen of the States of Delaware and New Jersey. NPC is a wholly-owned subsidiary of Novartis AG. NPC researches, develops, produces, markets, and sells pharmaceuticals, including Tasigna, in the United States for Novartis AG.

GENERAL ALLEGATIONS

A. Novartis's Aggressive and Illegal Marketing of Tasigna

12. Tasigna is a prescription medication used to treat adults who have CML. CML is a cancer which starts in blood-forming stem cells of the bone marrow, where a genetic change occurs in the stem cells that form, among other things, most types of white blood cells. Tasigna is part of a group of treatments known as tyrosine-kinase inhibitors (TKIs), which block chemical messengers (enzymes) in the cancer cells called tyrosine kinases, thus inhibiting their growth and division.

13. The first TKI drug – Gleevec – was introduced in 2001, and, like Tasigna, is produced and sold by Novartis. At an annual cost that has more than tripled since it was introduced and is now over $100,000 per patient, Gleevec earned Novartis billions of dollars a year while it maintained patent exclusivity. For example, in 2012, Gleevec was Novartis's number one selling drug, generating approximately $4.7 billion for Novartis.

14. Novartis's patent on Gleevec expired on July 4, 2015, and there are currently several generic forms of Gleevec on the market, which cost as little as $500 per year.

15. In the years leading up to the expiration of Novartis's patent on Gleevec, Novartis developed Tasigna as a replacement for Gleevec, and began an aggressive campaign to attempt to convince doctors to prescribe, and patients to take, Tasigna over Gleevec. Beginning as early as 2010, Novartis's strategy was, in the words of one senior Novartis executive, to have Tasigna "cannibalize" Gleevec as Gleevec's patent approached expiration. This, the executive said, would "create a fairly large amount of the Gleevec business that will be indirectly protected because it [would be] switched already to Tasigna."

16. In furtherance of its strategy to have Tasigna cannibalize Gleevec, Novartis engaged in aggressive, and, at times, unethical and illegal marketing of Tasigna. One illegal and unethical practice was Novartis's disseminating widely-shared social media content that (1) promoted the efficacy of Tasigna while failing to disclose any safety information, including known risks of potentially fatal adverse reactions, (2) misrepresented that Tasigna was approved as a first-line therapy for CML (like Gleevec), when, at the time, it had only been approved as a second-line therapy for CML, and (3) described Tasigna as a "next generation" treatment for CML, which, in the words of the Food & Drug Administration (FDA), "misleadingly suggests superiority over other" TKI drugs (including Gleevec), "when this advantage has not been demonstrated by substantial evidence or substantial clinical experience." These practices caused the FDA to issue Novartis a cease and desist letter on July 29, 2010, finding that Novartis had misbranded Tasigna in violation of FDA regulations, and demanding that Novartis immediately cease the misleading and illegal advertising.

17. Another unethical practice involved Novartis, beginning in at least 2007, paying illegal kickbacks disguised as rebates and discount payments to specialty pharmacies in exchange for those pharmacies recommending to patients, doctors, and other healthcare managers the ordering and refilling of Tasigna, among other drugs. Novartis took steps to steer patients to these specialty pharmacies, who then encouraged patients and their doctors to switch to or stay on Tasigna through several aggressive intervention programs designed by Novartis. These kickbacks paid to specialty pharmacies in exchange for their promotion of Tasigna were done in violation of the Federal Healthcare Program Anti-kickback Statute, 42 U.S.C. § 1320a-7b(b).

18. Another unethical practice involved Novartis's Japanese operations, where Novartis staff hid reports of adverse reactions in clinical studies of patients taking Tasigna. Novartis staff shredded or deleted thousands of reports of side effects associated with Tasigna, and in multiple instances, Novartis's sales staff helped doctors rate the severity of side effects. This egregious conduct resulted in the Japanese government ordering an unprecedented 15-day suspension of Novartis's Japanese operations.

B. Novartis Failed to Warn Americans of Known Risks that Tasigna Causes Atherosclerosis

19. Tasigna causes several dangerous adverse conditions, including several forms of severe, accelerated, and irreversible atherosclerosis-related conditions. These atherosclerosis-related conditions include peripheral arterial occlusive disease (hardening and narrowing of arteries supplying blood to the legs and arms), coronary atherosclerosis (hardening and narrowing of the arteries supplying blood to the heart), and cerebral atherosclerosis (hardening and narrowing of the arteries supplying blood to the brain). These conditions are life-threatening and lead to amputations, heart-attacks, strokes, and death.

20. Since at least 2011, Novartis was aware that Tasigna caused severe, accelerated, and irreversible atherosclerosis-related conditions. This knowledge came from several sources, including (1) multiple medical studies and reports linking Tasigna to accelerated and severe atherosclerosis; (2) a significantly higher rate of severe atherosclerosis-related conditions occurring amongst Tasigna patients in a phase 3 randomized clinical trial comparing the efficacy of Tasigna to Gleevec, and (3) information gathered in a Novartis global safety database reporting hundreds of cases of patients developing accelerated and severe atherosclerosis-related conditions after taking Tasigna.

21. The clear and alarming link between Tasigna and atherosclerosis prompted a Canadian health agency—Health Canada—to investigate the risks. As a result, in April 2013, Novartis issued an advisory to Canadian health care professionals and the Canadian public, which Novartis disseminated through its Canadian channels only, and did not disseminate in the United States. These advisories warned of the risks of atherosclerosis associated with Tasigna and that patients taking Tasigna should be monitored for signs of atherosclerosis-related diseases when taking Tasigna.

22. At or around the same time, Novartis updated its Canadian Product Monograph—the reference document that Canadian health professionals use when prescribing medication—to warn of the risks of atherosclerosis-related diseases. This warning was prominently displayed in a box warning entitled "Serious Warnings and Risks." Novartis warned that the atherosclerosis-

related condition could result in death, and that the risks of peripheral arterial occlusive disease, "can be severe, rapidly evolving, and may involve more than one site. Peripheral arterial occlusive disease might require repeated revascularization procedures and can result in complications that may be serious such as limb necrosis and amputations."

23. Despite warning in Canada of the risks of atherosclerosis associated with Tasigna, Novartis did not, during the relevant time period alleged herein, warn United States doctors and patients of those risks. Novartis did not send advisories to the United States public or to United States doctors. Nor did Novartis warn of the atherosclerosis-related risks in the United States Tasigna label. Novartis did not warn of risks of developing atherosclerosis on the highlights page of the United States label—including in the box warning, under the "Warnings and Precautions" heading, or under the "Adverse Reaction" heading. Nor did Novartis warn of atherosclerosis-related conditions under Section 5 of the label describing "Warnings and Precautions," under Section 6 describing "serious adverse reactions," or under section 6.1 describing "Clinical Trial Experience."

24. Novartis's failure to warn United States doctors and patients of the serious risks of developing atherosclerosis-related conditions associated with Tasigna was intentional, and part of an aggressive strategy to sell Tasigna over competing TKI drugs.

C. Dainis Lauris Takes Tasigna, Develops Severe Atherosclerosis-Related Conditions, and Dies

25. Dainis Lauris was diagnosed with CML in 2001. From around 2001 to October 2012, Lauris was prescribed and took Gleevec.

26. In October 2012, Dainis Lauris's treating oncologist switched him from Gleevec to Tasigna. As described in paragraph 23 above, at no time while Lauris took Tasigna did the Tasigna label warn of the risks of atherosclerosis-conditions associated with the drug.

27. At the time that Dainis Lauiris switched from Gleevec to Tasigna, Lauris had no atherosclerosis-related conditions.

28. Upon taking Tasigna, Dainis Lauris began feeling cramping and tightening in his legs and shins. This cramping and tightening was a symptom of the onset of peripheral arterial

occlusive disease, which Lauris developed as a result of Tasigna. But because Novartis failed to warn of the risks of atherosclerosis-related conditions associated with Tasigna, his cramping and tightening was interpreted as muscle cramping.

29. Dainis Lauris's condition deteriorated dramatically over the next year. By January 2013, he began feeling pain in his legs when conducting routine activities – such as cutting the lawn, walking, and basic exercise. By May 2013, Lauris's ability to engage in normal activities was significantly impeded, and by July 2013 he could not walk short distances without having to stop due to extreme pain. Indeed, on July 4, 2013, he had to be driven one block to enjoy a firework display with his family because walking that distance had become impossible for him. He was also, for the first time in 33 years, unable to attend an annual hunting event with his family, and he could not attend a back-to-school event for his children. The pain greatly affected Lauris's quality of life, and sleeping was difficult. Lauris's deteriorating condition also caused an enormous amount of stress on his family, who watched him deteriorate from a healthy and active husband and father to a man constantly in pain and unable to perform basic activities.

30. By September 2013, Dainis Lauris's pedal pulse – the pulse of the artery taken at the dorsal surface of the foot – went from "normal" to "not normal," meaning that the blood supply to his lower extremities had been severely diminished. In or around September 2013, an aortogram performed on Lauris's legs revealed that he had 100-percent occlusion (abnormal narrowing) in his superficial right femoral artery, 90-percent occlusion in his right profunda (deep) femoral artery, and 90-percent occlusion in his left profunda femoral artery.

31. Based on these results, Dainis Lauris was diagnosed with peripheral arterial occlusive disease, which required immediate surgical intervention. On November 22, 2013, Lauris underwent femoral popliteal bypass surgery on his right leg, a procedure whereby the blocked portion of the main artery in the leg is bypassed through a graft made with portions of other blood vessels in the leg.

32. Around the same time, in November 2013, Dainis Lauris's treating oncologist happened upon a published article in a medical journal that discussed the link between Tasigna and severe, accelerated atherosclerosis-related conditions. He immediately called Lauris and

told him not to take another Tasigna pill. The oncologist then switched Lauris from Tasigna to Sprycel – a competing drug produced by Bristol Myers Squibb Company with no known links to atherosclerosis-related conditions. The oncologist also notified Novartis that Tasigna caused peripheral arterial vascular disease in Lauris, but received no response.

33. Unbeknownst to Dainis Lauris's oncologist, Lauris's other treating doctors, and Lauris himself, Tasigna had affected more than just Lauris's lower extremities. It also caused atherosclerosis in the arteries supplying blood to his brain and heart. His left and right middle cerebral arteries had approximately 70-percent narrowing of the lumen, and portions of his coronary arteries had approximately 60-percent narrowing of the lumen. These conditions, however, were latent and went undetected.

34. On March 28, 2014, Dainis Lauris had an angioplasty performed on his left leg – a surgical procedure whereby a catheter is inserted through the artery and guided to the place of occlusion, where a small balloon is then inflated to attempt to free the blockage. During the procedure, the vascular surgeon punctured Lauris's artery – a relatively common occurrence and risk associated with an angioplasty. The puncture caused a drop in Lauris's blood pressure. Had Lauris been otherwise healthy, the puncture and drop in blood pressure would have been a treatable event, and he would have recovered. However, because of the 70-percent occlusion in his cerebral arteries – caused by Tasigna – the drop in blood pressure caused Lauris to suffer a major stroke. The stroke would not have occurred but for the occlusion in the cerebral arteries caused by Tasigna. As a result, Lauris went into a coma, and on March 31, 2016, at the age of 49, Lauris died.

35. An autopsy performed after Dainis Lauris's death revealed the pervasive atherosclerosis in Lauris's middle cerebral arteries. Prior to the autopsy, Lauris's atherosclerosis-related conditions in his cerebral arteries were entirely unknown.

D. Novartis AG's Control Over NPC

36. At all relevant times, Novartis AG conducted its global operations, and executed its global strategies through coordinated control over its subsidiary companies, which it refers to collectively as Novartis Group. In its annual reports, website, and elsewhere, Novartis AG

regularly represents that Novartis AG's business operations are conducted through Novartis Group companies.

37. Accounting for about 40 percent of Novartis AG's annual sales, NPC is one of the most significant Novartis Group subsidiaries and a key component of Novartis AG's Pharmaceuticals Division. At all relevant times, NPC functioned as Novartis AG's agent in the United States, performing functions that are imperative to Novartis AG – i.e., the research, development, marketing, and sale of Novartis-branded drugs in the United States. Absent NPC performing these essential services for Novartis AG, Novartis AG's own officials would undertake to perform them.

38. At all relevant times, Novartis AG exerted a substantial amount of control over NPC.

39. Novartis AG's senior management is directly involved in the management of NPC. For example, Novartis AG's chairman of the board is ultimately responsible for the organization, administration, and direction of all of Novartis Group, and determines the company's global strategy. At all relevant times, Novartis AG's chairman of the board and/or Novartis AG's CEO also chaired Novartis's Executive Committee ("ECN"), which reports directly to Novartis AG's board, and is responsible for developing and implementing strategies for Novartis Group, as well as overseeing the business operations of all Novartis Group companies, including NPC. Additionally, several of Novartis AG's senior executives serve as senior executives of NPC, where they directly control the business activities of NPC in the United States.

40. Novartis AG controls a significant amount of the day to day operations of NPC. For example, NPC regularly seeks authorization from Novartis AG for approval to enter contracts essential to NPC's business, such as supply and distribution agreements. Further, Novartis AG management is directly involved in NPC's business decisions, such as setting production quantities and approving the sale of certain drugs, including Gleevec and Tasigna, and creating and staffing NPC business units, including units responsible for the sale of oncological drugs. Novartis AG executives and spokespersons are also frequently responsible

for global communications relating to pharmaceutical products, including Gleevec and Tasigna, and directing communications to doctors, patients, and other members of the public, including those in California, via the Novartis AG website.

41. Novartis AG owns virtually every trademark and patent related to the pharmaceuticals that NPC sells for Novartis AG, including the trademarks and patents associated with Gleevec and Tasigna.

42. NPC also performs essential research and development activities in the United States on behalf of Novartis AG. For example, NPC has performed extensive research and development activities pertaining to Tasigna and Gleevec for Novartis AG. Novartis AG funds and directs such research and is substantially involved at all times.

43. In short, NPC is the primary entity through which Novartis AG executes its global strategies in the United States, resulting in about 40 percent of the total annual sales that Novartis AG reports. Thus, NPC's specific jurisdictional contacts with California related to this action are imputable to Novartis AG.

44. Through its executives, communications, and other business activities directed at the United States, Novartis AG's also had its own specific jurisdictional contacts with California relating to the development, production, marketing, and sale of Novartis-branded drugs, including Tasigna.

CLAIMS FOR RELIEF

COUNT I: STRICT PRODUCTS LIABILITY

45. Plaintiffs re-allege the above allegations as if fully set forth herein.

46. At all relevant times, Novartis was engaged in the business of developing, manufacturing, marketing, promoting, selling, and distributing Tasigna throughout the world, including California.

47. At all relevant times, despite knowing of risks that Tasigna caused severe, accelerated, and irreversible atherosclerosis-related conditions, and despite warning of such risks Canada, Novartis failed to warn patients and doctors in the United States – including Dainis Lauris and the medical professionals that prescribed him Tasigna – of those risks.

48. As a proximate result of Novartis's failure to warn, Dainis Lauris developed atherosclerosis-related conditions – including peripheral arterial occlusive disease, coronary atherosclerosis, and cerebral atherosclerosis – which conditions proximately caused his death.

49. Novartis's failure to properly warn of atherosclerosis was intentional. Driven by its desire for Tasigna to dominate the multi-billion dollar TKI market in the wake of Gleevec's patent expiration, Novartis intentionally failed to warn Americans of known risks that Tasigna caused severe, accelerated, and irreversible atherosclerosis-related conditions. Such conduct was wanton—done with an oppressive, fraudulent, or malicious motive and in deliberate and conscious disregard for the health and safety of Dainis Lauris and others similarly situated. Therefore, Plaintiffs are entitled to an award of punitive damages against Novartis under Cal. Civ. Code § 3294.

WHEREFORE, Plaintiffs respectfully request judgment against Defendants as set forth below.

COUNT II: NEGLIGENCE

50. Plaintiffs re-allege the above allegations as if fully set forth herein.

51. Novartis had a duty to exercise reasonable care in warning about the health and safety risks it knew or reasonably should have known were associated with Tasigna. Novartis breached this duty of care by failing to reasonably warn of the risk that Tasigna caused atherosclerosis-related conditions.

52. Further, in failing to properly warn of the risks that Tasigna causes atherosclerosis, Novartis violated several statutes and regulations, thereby creating a presumption of negligence under California Evidence Code § 669(a), including, but not limited to: 21 C.F.R. § 201.56(a) & (d), and 21 C.F.R. § 201.57(c) & (f).

53. As a proximate result of Novartis's failure to warn, Dainis Lauris developed atherosclerosis-related conditions – including peripheral arterial occlusive disease, coronary atherosclerosis, and cerebral atherosclerosis – which conditions proximately caused his death.

54. Novartis's failure to properly warn of atherosclerosis was intentional. Driven by its desire for Tasigna to dominate the multi-billion dollar TKI market in the wake of Gleevec's

patent expiration, Novartis intentionally failed to warn Americans of known risks that Tasigna caused severe, accelerated, and irreversible atherosclerosis-related conditions. Such conduct was wanton—done with an oppressive, fraudulent, or malicious motive and in deliberate and conscious disregard for the health and safety of Dainis Lauris and others similarly situated. Therefore, Plaintiffs are entitled to an award of punitive damages against Novartis under Cal. Civ. Code § 3294.

WHEREFORE, Plaintiffs respectfully request judgment against Defendants as set forth below.

COUNT III: WRONGFUL DEATH

55. Plaintiffs re-allege the above allegations as if fully set forth herein.

56. Prior to and as of March 31, 2014, plaintiff, Kristi Lauris, was the wife of the decedent, Dainis Lauris and they were living together as husband and wife. Plaintiffs L.L. and Taylor Lauris, were the daughters of decedent, Dainis Lauris. Plaintiffs are the sole heirs of decedent Dainis Lauris for the purposes of bringing a claim for wrongful death under the laws of the State of California and United States of America.

57. As a direct and legal result of the acts, conduct and omissions of Novartis, its employees and agents, plaintiffs' decedent, Dainis Lauris, suffered the injuries described above which resulted in and caused his death.

58. As a further direct and proximate result of the acts, conduct and omissions of Novartis its employees and agents, as alleged herein above, plaintiffs were required to and did employ physicians, medical specialists, and nurses to examine, treat and care for plaintiffs' decedent, and medical and incidental expenses were incurred in an amount not now known to plaintiffs.

59. As a further direct and proximate result of the acts, conduct and omissions of Novartis, its employees and agents, plaintiffs were required to and did incur funeral, burial and incidental expenses.

60. As a further direct and proximate result of the wrongful death of Dainis Lauris, the plaintiffs, Kristi Lauris, L.L., and Taylor Lauris, have suffered the loss of financial support of

their husband and father and are also entitled to compensation for the loss of love, companionship, comfort, affection, society, solace and moral support. These damages are in excess of the jurisdictional limits of this court.

WHEREFORE, Plaintiffs respectfully request judgment against Defendants as set forth below.

COUNT IV: SURVIVAL CAUSE OF ACTION (C.C.P. § 377.20, *ET SEQ.*)

61. Plaintiffs re-allege the above allegations as if fully set forth herein.

62. Plaintiff, Kristi Lauris is the successor in interest to the Estate of Dainis Lauris, decedent.

63. Plaintiff seeks recovery for the wrongful death of Dainis Lauris, and claim all damages sustained by Dainis Lauris and his estate as a proximate cause of the wrongful death, as herein stated.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendants, awarding Plaintiffs any and all damages available to Plaintiffs under the law, including but not limited to:

1. General damages according to proof;
2. Medical and incidental expenses according to proof;
3. Funeral, burial and incidental expenses according to proof;
4. All losses because plaintiffs will not be able to pursue their usual occupation and activities according to proof;
5. Decedent's pain and suffering associated with his wrongful death according to proof;
6. For loss of consortium, love, companionship, comfort, affection society, solace, and moral support;
7. Punitive and exemplary damages sufficient to punish and make an example of each Defendant according to proof;
8. Plaintiffs' reasonable attorneys' fees and costs;
9. Prejudgment interest; and
10. For any other relief this Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a jury trial for all issues so triable in this action.

DATE: March 16, 2017

By: /s/ Richard M. Elias

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was served on all counsel of record through the Court's CM/ECF filing system.

/s/ Richard M. Elias

Richard M. Elias