

Corporate Creations®

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January 15, 2008

Teva Pharmaceuticals USA, Inc.

Margaret (Meg) Wrigley Manager - Legal Affairs

Teva Pharmaceuticals USA, Inc.

425 Privet Road

HORSHAM PA 19044

SERVICE OF PROCESS NOTICE

The following is a summary of the enclosed legal document(s) that we received.

1.	Client Entity:	Teva Pharmaceuticals USA, Inc.
2.	Title of Action:	Katelyn Wellbrenner vs. Teva Pharmaceuticals USA, Inc.
3.	Document(s) Served:	Summons Complaint
4.	Court/Agency:	Colquitt County State Court, Georgia
5.	State Served:	Delaware
6.	Case Number:	08-SC-1689
7.	Lawsuit Type:	Damages
8.	Method of Service:	Hand Delivered
9.	Date Received:	1/14/2008
10.	Date to Client:	1/15/2008
11.	# Days When Answer Due: 30 Answer Due Date: 02/13/08	CAUTION: Client is solely responsible for reviewing service of process to verify accuracy of Answer Due Date.
12.	Plaintiff's Attorney: <small>(Name, City and Phone Number)</small>	William G. Gainer Conyers, GA (770) 929-3100
13.	Shipped By:	FedEx Saver and Email with PDF Link
14.	Tracking Number:	857495002900
15.	Notes:	None.
<p>THIS NOTICE IS PROVIDED FOR GENERAL INFORMATION PURPOSES ONLY AND SHOULD NOT BE CONSIDERED A LEGAL OPINION. IT IS YOUR RESPONSIBILITY TO REVIEW THE DOCUMENT(S) FORWARDED AND TO CONTACT YOUR LAWYER TO TAKE APPROPRIATE ACTION. REGISTERED AGENT SERVICES ARE PROVIDED BY CORPORATE CREATIONS NETWORK INC.</p>		

SECOND ORIGINAL

FILED
2008 JAN 11 AM 10:51
CLERK OF SUPERIOR COURT

IN THE STATE COURT OF COLQUITT COUNTY

STATE OF GEORGIA

KATELYN WEILBRENNER, A MINOR *
AND DI ANN COURTOY, INDIVIDUALLY *
AND AS NATURAL MOTHER AND *
NEXT FRIEND *
OF KATELYN WEILBRENNER. *

Plaintiffs. *

v. *

TEVA PHARMACEUTICALS USA, INC., *

Defendant. *

CIVIL ACTION FILE

NO. 08-SC-1689

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED and required to file with the Clerk of said Court and
serve upon the Plaintiffs' attorneys, whose names and addresses are:

WILLIAM G. GAINER
A. LEROY TOLIVER
TOLIVER & GAINER, LLP
942 Green Street, Suite A
Conyers, GA 30012

ROBERT D. HOWELL
ROBERT D. HOWELL, P.C.
P. O. Box 100
Moultrie, Georgia 31776

an answer to the complaint which is herewith served upon you, within thirty (30) days
after service of this summons upon you, exclusive of the day of service. If you fail to do
so, judgment by default will be taken against you for the relief demanded in the
complaint.

This 11th day of January, 2008.

CLERK OF SUPERIOR COURT

BY: Patricia A. Lewis
DEPUTY CLERK

SECOND ORIGINAL
FILED
CLERK OF SUPERIOR COURT
2008 JAN 11 AM 10:51
COLUMBIAN, GEORGIA

IN THE STATE COURT OF COLQUITT COUNTY
STATE OF GEORGIA

KATELYN WEILBRENNER, A MINOR
AND DI ANN COURTOY, INDIVIDUALLY
AND AS NATURAL MOTHER AND
NEXT FRIEND
OF KATELYN WEILBRENNER.

Plaintiffs.

v.

TEVA PHARMACEUTICALS USA, INC.,

Defendant.

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CIVIL ACTION FILE

NO. 08-SC-1689

COMPLAINT

Come now Plaintiffs, Katelyn Weilbrenner, a minor, and DiAnn Courtoy,
individually and as natural mother and next friend of Katelyn Weilbrenner, and show this
Court the following:

I. STATEMENT OF JURISDICTION AND VENUE

1.

Plaintiffs are citizens and residents of Colquitt County, Georgia residing at 110
Longleaf Drive, Moultrie, GA 31768.

2.

The Defendant, TEVA Pharmaceuticals USA, Inc. is a foreign corporation,
incorporated in the State of Delaware, who maintains a registered agent, Corporate
Creations Network, Inc., located at 3411 Silverside Road Rodney Building #104.

Wilmington, Delaware 19810. Defendant TEVA Pharmaceuticals USA, Inc. may be served with process in this matter at their registered agent's address in New Castle County, Delaware as provided by law pursuant to O.C.G.A. §9-10-94. Defendant Teva Pharmaceuticals USA, Inc. is subject to the jurisdiction and venue of this Court pursuant to O.C.G.A. §§9-10-90, 9-10-91, and 9-10-93.

3.

The claims for relief of Plaintiffs arise from the manufacture, marketing, distribution and sale by the Defendant of its product known as Minocycline. Defendant's Minocycline product is routinely sold in Georgia, and the subject Minocycline consumed by Plaintiff, Katelyn Weilbrenner, was purchased in Colquitt County, Georgia.

II. STATEMENT OF FACTS, LIABILITY AND DAMAGES

4.

The Plaintiff, Katelyn Weilbrenner, suffered from acne and was prescribed Minocycline by her primary care physician. The prescription was initially filled on 1/16/06 at a CVS Pharmacy in Moultrie, Colquitt County, Georgia. The initial prescription was refilled on 2/28/06. The original prescription and the refill were filled with Minocycline manufactured, marketed and/or distributed by Defendant Teva Pharmaceuticals USA, Inc.

5.

On or about April 24, 2006, while taking Defendant Teva's Minocycline, Plaintiff Weilbrenner started experiencing severe global headaches with photophobia.

When the headaches did not improve, she saw her primary care physician and his physician's assistant on 5/8/06 and 5/9/06. By 5/11/06 she was seen by ophthalmologist, Terrance A. Croyle, M.D., who diagnosed her with optic nerve edema bilaterally and suspected papilledema and visual loss. She stopped taking Defendant's medication, Minocycline, on May 11, 2006.

6.

Katherine Weilbrenner now has significant, permanent vision loss in both eyes. The only areas of sight she has remaining are in the upper, outer quadrants of her right and left eyes. This injury was caused by Defendant's product.

7.

The Defendant, TEVA Pharmaceuticals USA, Inc. is guilty of negligence in the manufacture, distribution and sale of its product, Minocycline, in that it knows or should have known, that such product could cause damage to and loss of vision in adolescents consuming such medication.

8.

The Defendant's Minocycline drug labeling professional information and/or package insert in 2006 acknowledged pseudotumor cerebri is associated with tetracyclines.

9.

The Defendant's Minocycline drug labeling professional information and/or package insert in 2007 acknowledges that Minocycline can cause Pseudotumor Cerebri in adolescents.

10.

The potential for the development of pseudotumor cerebri in adolescents was not referenced in Defendant's 2006 package insert for Minocycline. Although the Defendant was aware, or should have been aware of this potential and dangerous side effect, it failed to provide adequate notice or warning to physicians prescribing said medication, or to consumers.

11.

Prior to 2006, the Defendant failed to provide any warning to physicians or consumers that their product, Minocycline, could cause damage and/or permanent and irreversible loss of vision in all ages of patients taking such product, including adolescents.

III. PRODUCT LIABILITY

12.

The Minocycline product manufactured, marketed, distributed and sold by the Defendant was in a defective condition and unreasonably dangerous, or both, at the time it left the control of the Defendant.

13.

Although the Defendant knew, or should have known, of the irreversible damage its product could cause in adolescents, its failure to adequately warn prescribers (or consumers) of this potential side effect rendered the product defective and unreasonably dangerous.

14.

The Defendant is liable to the Plaintiffs in this matter upon one or more of the following theories: strict liability in tort or negligence; breach of warranty, express or implied; breach of or failure to discharge a duty to warn and instruct, whether negligent or innocent; misrepresentation, concealment or nondisclosure, whether negligent or innocent; and upon other theories which may be applicable to the facts of this case.

V. COMPENSATORY DAMAGES

15.

Plaintiff, DiAnn Courtoy has incurred medical bills and expenses and will likely incur future medical bills and expenses related to the care and treatment of her daughter, Katelyn, through the age of her majority as a consequence of Defendant's negligence. Moreover, the injuries caused by Defendant has resulted and will result in the loss of services of her daughter, Katelyn.

16.

As a consequence of the Defendant's negligence, Katelyn Weilbrenner has sustained severe and permanent injuries; more specifically, she has lost the entirety of her vision in both her right and left eyes, with the exception of the upper outer quadrants in each. Said injuries have caused significant physical and mental pain and suffering, including but not limited to, interference with her daily life and activities. Her injuries are permanent, the consequences of which will continue indefinitely into the future (including a diminished capacity to earn a living and diminished quality of life), in

addition to the likelihood that she will incur future medical expenses and costs associated with her injuries beyond the age of her majority.

VI. PUNITIVE DAMAGES

17.

Defendant is liable to Plaintiffs for punitive damages, in part because it knew or should have known of the potentially severe and permanent visual loss its product could cause adolescents prior to the manufacture, distribution and sale of its product to the Plaintiffs. Notwithstanding the prior reporting of such incidences occurring in adolescents taking minocycline, as well as other medical literature and commentary, the Defendant continued to market and sell its Minocycline product without including any adequate warning or notice to physicians or consumers. As per O.C.G.A. §51-12-5.1, the Defendant's actions in this case demonstrate willful misconduct, malice, fraud, wantonness, oppression, or that entire want of care which would raise the presumption of conscious indifference to consequences.

Wherefore, Plaintiffs pray for the following:

- (a) That summons and process be issued and Defendant be served as provided by law;
- (b) That Plaintiffs be granted a trial by jury;
- (c) That Plaintiff DiAnn Courtney be granted judgment, individually, against Defendant for the past, present and future medical expenses, as well as loss of services, of her daughter Katelyn Weilbrenner, up through the age of her majority in an amount to be determined by a jury;
- (d) That Katelyn Weilbrenner, by next friend, DiAnn Courtney be granted judgment against Defendant, for her past, present and future general damages, including physical and mental pain and suffering, in an amount to be determined by a jury;
- (e) That Katelyn Weilbrenner, by next friend, DiAnn Courtney be granted judgment against Defendant for all her future special damages, including medical expenses and related costs, after she reaches the age of majority in an amount to be determined by a jury;
- (f) That Plaintiff DiAnn Courtney, individually, be granted judgment against the Defendant for punitive damages in an amount to be determined by a jury;
- (g) That Plaintiff Katelyn Weilbrenner, by next friend DiAnn Courtney be granted judgment against Defendant for punitive damages in an amount to be determined by a jury;

- (l) That all costs of this action be assessed against the Defendant; and.
- (h) That Plaintiffs be granted all such other and further relief as this Court shall deem just and equitable under the circumstances of this case.

This 10th day of January, 2008.

TOLIVER & GAINER, I.L.P

By: A. Leroy Toliver by ROH w/ express permission
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Samuel J. Crowe
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770-785-7879 FAX

ROBERT D. HOWELL, P.C.

By: [Signature]
Robert D. Howell
Georgia Bar No. 372598
Attorneys for Plaintiffs

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(229) 891-3378 FAX

THE ELLERBEE LAW FIRM, P.C.

By: O. Wayne Ellerbe by ROH w/ express permission
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(229) 241-8332 FAX

IN THE STATE COURT OF COLQUITT COUNTY

STATE OF GEORGIA

2008 JAN 11 AM 10:52

COP

KATELYN WEILBRENNER, A MINOR
AND DI ANN COURTOY, INDIVIDUALLY
AND AS NATURAL MOTHER AND
NEXT FRIEND
OF KATELYN WEILBRENNER,

Plaintiffs,

v.

TEVA PHARMACEUTICALS USA, INC.,

Defendant.

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CIVIL ACTION FILE

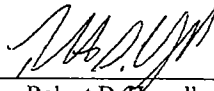
NO. 08-SC-1689

MOTION FOR APPOINTMENT OF SPECIAL PROCESS SERVER

Come now Plaintiffs in the above-styled action and hereby move this Court to appoint Jeffrey L. Butler, as special process server for service of the Complaint in the above-referenced action. Mr. Butler is an adult, over the age of eighteen years, not related by blood or marriage to any of the parties, and is a resident of the State of Delaware. Mr. Butler is an authorized process server under the laws of the State of Delaware.

This the 10th day of January 2008.

ROBERT D. HOWELL, P.C.

By: 
Robert D. Howell
Georgia Bar No. 372598
Attorneys for Plaintiffs

Address of Counsel:
P. O. Box 100
Moultrie, Georgia 31776
(229) 985-5300

IN THE STATE COURT OF COLQUITT COUNTY 2008 JUN 11 AM 10:52

STATE OF GEORGIA

COF

KATELYN WEILBRENNER, A MINOR
AND DI ANN COURTOY, INDIVIDUALLY
AND AS NATURAL MOTHER AND
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OF KATELYN WEILBRENNER,

Plaintiffs,

v.

TEVA PHARMACEUTICALS USA, INC.,

Defendant.

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CIVIL ACTION FILE

NO. 08-SC-1689

ORDER FOR APPOINTMENT OF SPECIAL PROCESS SERVER

The foregoing Motion for Appointment of Special Process Server having been read and considered it is ORDERED:

That Jeffrey L. Butler is hereby appointed special process server for service of the Complaint in the above-styled action.

This the 10th day of January 2008.

Judge, State Court of
Colquitt County

Prepared by:

Robert D. Howell, P.C.
P. O. Box 100
Moultrie, Georgia 31776
(229) 985-5300

IN THE STATE COURT OF COLQUITT COUNTY

STATE OF GEORGIA

FILED
CLERK OF SUPERIOR COURT
2009 JAN 11 AM 10:51
CAROLYN BRADLEY CLEGG

KATELYN WEILBRENNER, A MINOR *
AND DI ANN COURTOY, INDIVIDUALLY *
AND AS NATURAL MOTHER AND *
NEXT FRIEND *
OF KATELYN WEILBRENNER. *

Plaintiffs, *

v. *

TEVA PHARMACEUTICALS USA, INC., *

Defendant. *

CIVIL ACTION FILE

NO. 08-SC-1689

PLAINTIFFS' FIRST INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS
TO DEFENDANT

To: Defendant, Teva Pharmaceuticals USA, Inc.
Corporate Creations Network, Inc., Registered Agent
3411 Silverside Road
Rodney Building #104
Wilmington, Delaware 19810

Come now Plaintiffs in the above-styled matter, and pursuant to O.C.G.A. §9-11-33, propound these interrogatories to Defendant, Teva Pharmaceuticals USA, Inc. You are required under O.C.G.A. §9-11-33 to answer said interrogatories under oath and serve a copy of said answers upon counsel for Plaintiff within forty-five (45) days following service of these interrogatories.

You are under a duty seasonably to amend a prior response if you obtain information upon the basis of which (a) you know that the response is incorrect when made, or (b) you know that the

response, though correct when made, is no longer true, and the circumstances are such that a failure to amend the response is, in substance, a knowing concealment.

I. Definition of Terms

When used in these interrogatories, the following terms shall have the following meanings:

1.

"Defendant", "you", and/or "your" shall refer to Teva Pharmaceuticals USA, Inc., any agents, servants, representatives, investigators, attorneys or any other individuals who are in possession of or may have obtained information for or on behalf of Teva Pharmaceuticals USA, Inc., concerning any matter relevant to this litigation.

2.

"Person" shall mean any natural person, firm, corporation, partnership, joint venture or other form of business entity or any other organization.

3.

"Date" shall mean the exact day, month, and year, if ascertainable, or, if not, the best approximation thereof (including relationship to other events).

4.

"Documents" or "document" whenever used herein shall mean all written, typed, printed, recorded, photographic or graphic matter of every type and description, however and by whomever prepared, produced, reproduced, disseminated or made, in any form now or formerly in your possession, custody or control of your officers, agents, employees and attorneys, or any one of them separately, including, but not limited to, statements, reports, work orders, invoices, checks, cash receipts, letters, photographs, sketches, videotapes, handwritten notes, correspondence, invoices, telegrams, memoranda, records, minutes of all types of meetings, contracts, subcontracts,

agreements, guarantees, intra-and inter-office communications, and any other writings or recordings. If any document was, but is no longer in your possession or subject to your control, identify the document and state its present location or the disposition which was made of it and the date hereof.

INTERROGATORY #1

State the name, address and telephone number for each person who you expect to call as an expert witness at trial and for each such expert witness state:

- a. The subject matter on which he or she is expected to testify;
- b. The substance of the facts and opinions to which he or she is expected to testify;
- c. A summary of the ground for each such opinion; and
- d. Will you voluntarily make a curriculum vitae available for each such witness.

INTERROGATORY #2

Please identify each and every appearance before any Committee or Sub-Committee to the FDA, by any agent or employee of Defendant, Teva Pharmaceutical USA, Inc., or its parent company, Teva Pharmaceutical Industries, Ltd., relative to Minocycline products between January 1, 2000 and August, 2007. For each such appearance, state:

- a. The date of appearance;
- b. The person appearing, title or job description of said person;
- c. Each person presenting comments;
- d. The subject matter of the comments;
- e. Whether the comments were reduced to writing;
- f. If reduced to writing, were the comments made a part of any record (if so, please identify);
- g. Action taken or advised as a result of the meeting; and
- h. Any documents presented or provided.

INTERROGATORY #3

Please identify each and every study or protocol funded in whole or in part by Teva Pharmaceuticals USA, Inc. or its parent company, Teva Pharmaceutical Industries, Ltd., relating in any way to the safety, efficacy and/or side effects of Minocycline from the time Teva first produced, manufactured, marketed or sold Minocycline. For each such study or protocol please provide:

- a. The date same began;
- b. The number of patients or subjects involved;
- c. The number of patients or subjects completing;
- d. The number of patients or subjects not completing;
- e. Reason for each such person not completing;
- f. Date concluded;
- g. Name and address of principle investigator or author;
- h. Name and address of other investigators or authors;
- i. Protocol or study purpose and outline;
- j. Whether the results were published;
- k. If published, give the citation or reference of same;
- l. The amount of funding provided to each investigator or author; and
- m. The actions or assistance provided in helping get the study or protocol results

published.

INTERROGATORY #4

Has Defendant Teva Pharmaceutical USA, Inc., or its parent company, Teva Pharmaceutical Industries, Ltd., ever considered the issue of whether or not a warning should be placed on its Minocycline products relative to the potential for adolescents, or other individuals, to develop pseudotumor cerebri associated with Minocycline use.

INTERROGATORY #5

If the answer to the interrogatory next above is in the affirmative, state as to the first such

occasion and any subsequent occasions when and where same was discussed or considered. Also, please identify:

- a. The individual(s), agent(s) or employee(s) involved in such discussions;
- b. Identify all writings or memoranda associated or pertaining to any such discussions

or meeting by giving:

- (i) The date of each such memoranda or writing;
- (ii) The author of each such memoranda or writing;
- (iii) Address of present custodian of each such memoranda or writing.

INTERROGATORY #6

Identify the individual(s) within Defendant Teva Pharmaceutical USA, Inc. or its parent company, Teva Pharmaceutical Industries, Ltd., with primary responsibility for the labeling of Minocycline from the first manufacture, marketing or sale of such products until present. Please provide the name, address, title and job description for this individual. If any such individuals are no longer employed by Defendant, please provide the present whereabouts and last known address of each such individual, giving the dates the individual assumed the responsibility for labeling and the date said responsibility ceased.

INTERROGATORY #7

Please provide separately the domestic and foreign annual gross dollar sales for Defendant's Minocycline products beginning with the year 2003 up through and including 2007.

INTERROGATORY #8

Has Defendant Teva Pharmaceutical USA, Inc. or its parent company, Teva Pharmaceutical Industries, Ltd., ever submitted label changes for its Minocycline products not required or mandated by the FDA?

INTERROGATORY #9

If the answer to the interrogatory next above is in the affirmative for each such event, please state the date of same, the substance of the labeling change and the reason(s) for same.

INTERROGATORY #10

If any lawsuits have been filed against you for injury or death from the use of Minocycline, please state with regard to each such lawsuit:

- (a) Its nature;
- (b) The date it was filed;
- (c) The place it was filed;
- (d) The court in which it was filed and its docket number;
- (e) The judgment or settlement reached;
- (f) The name, title and address of each employee agent of the Defendant who testified

at the trial or gave a deposition: and

- (g) The name, title and address of each expert witness who testified on behalf of Defendant.

INTERROGATORY #11

Has Defendant Teva Pharmaceutical USA, Inc. or its parent company, Teva Pharmaceutical Industries. Ltd., ever prepared or received an adverse drug report regarding any of its Minocycline products.

Please indicate for each such report:

- (a) Date received;
- (b) Source of report. i.e., Doctor, patient, pharmacist, medical journal report, lay press report, etc.
- (c) Injury or injuries reported;
- (d) Date Defendant sent such information or report to FDA and by what means.

INTERROGATORY #12

Identify the individual(s) and their respective job position(s) responsible for Defendant's Minocycline 2006 package insert wording. Attach a true and accurate copy of the subject 2006 package insert.

INTERROGATORY #13

Identify the individual(s) and their respective job position(s) responsible for the Minocycline 2007 package insert wording. Attach a true and accurate copy of the subject package insert.

INTERROGATORY #14

Has Defendant Teva ever sent a "Dear Doctor" letter to physicians regarding any Defendant Teva product in the last ten (10) years?

INTERROGATORY #15

If the answer to the interrogatory next above is yes, for each such letter provide:

- (a) Date sent;
- (b) Subject of letter;
- (c) To whom sent;
- (d) A copy of each such letter.

INTERROGATORY #16

Has Defendant Teva Pharmaceutical USA, Inc. or its parent company, Teva Pharmaceutical Industries, Ltd., ever advertised its Minocycline products. If yes, for each such advertisement, please provide:

- (a) Date;
- (b) Publication or media used;
- (c) Copy of advertisement;
- (d) Name of person responsible for content.

INTERROGATORY #17

Please identify every person providing any information contained in Defendant's Responses to Plaintiffs' First Interrogatories, including the person executing Defendant's Verification to these interrogatories.

REQUEST FOR PRODUCTION OF DOCUMENTS

Please produce all documents identified in Interrogatory numbers 1.2.3.5.11, 12, 13.15 and

16.

This 10th day of January, 2008.

TOLIVER & GAINER, LLP

By: A. Leroy Toliver by ROH w/ express permission

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Georgia Bar No. 714250
Samuel J. Crowe
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THE ELLERBEE LAW FIRM, P.C.

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