

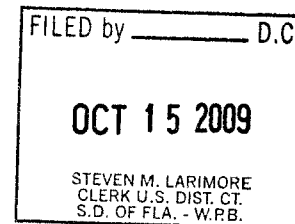
**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:08-MD-01928-MIDDLEBROOKS/JOHNSON

IN RE TRASYLOL PRODUCTS LIABILITY
LITIGATION – MDL-1928

THIS DOCUMENT RELATES TO:

REEDY V. BAYER A.G., et al
Case No. 08-cv-80588



**PLAINTIFF'S FIRST AMENDED
"SHORT FORM" COMPLAINT**

1. Pursuant to Pretrial Order No. 4 in MDL 1928, Plaintiff(s), by the undersigned counsel, hereby submits this Plaintiff's First Amended "Short Form" Complaint against Defendants BAYER CORPORATION, BAYER HEALTHCARE PHARMACEUTICALS INC., and BAYER SCHERING PHARMA, A.G. f/k/a BAYER HEALTHCARE A.G. (hereinafter collectively "Defendants" or "Bayer") for equitable relief, monetary restitution, and/or compensatory and punitive damages, and, adopts and incorporates by reference those allegations in the "Plaintiffs' Master Complaint for Personal Injury Claims," filed June 16, 2008, contained in Paragraphs 1 through 52, and any and all amendments thereto, and further alleges as follows.

2. Plaintiffs who are parties to this civil action are identified as follows:

- (1) Plaintiff Decedent TROY S. REEDY was a citizen and resident of Hall County in the State of Georgia, and claims damages as set forth below. Plaintiff Decedent died on February 7, 2007.
- (2) Plaintiff HELEN REEDY is a citizen and resident of Hall County in the State of Georgia.

3. Plaintiff(s) allege that, pursuant to 28 U.S.C. § 1391, the following District is the proper venue for trial of this civil action: Northern District of Georgia, Atlanta Division.

4. Plaintiff TROY S. REEDY was administered Trasylol on October 9, 2003 at St. Joseph's Hospital in Atlanta, Georgia. As a result of his/her exposure to Trasylol, Plaintiff(s) suffered the following injuries:

- Emotional injury, stress, anxiety, distress, fear, pain, and suffering;
- Renal dysfunction and injury;
- Renal failure requiring Plaintiff to undergo painful and debilitating medical treatments;
- Multi-organ failure requiring Plaintiff to undergo painful and debilitating medical treatments;
- Death;
- Financial loss;
- Loss of consortium, loss of companionship, loss of life's enjoyment and mental anguish, and other consequential damages caused by the injuries inflicted upon Plaintiff;
- Other

5. Plaintiff(s) further adopt and incorporate by reference the following Claims for Relief in the "Plaintiffs' Master Complaint" filed June 16, 2008:

- COUNT I - STRICT LIABILITY - FAILURE-TO-WARN
- COUNT II - STRICT LIABILITY - DESIGN DEFECT
- COUNT III - NEGLIGENCE
- COUNT IV - NEGLIGENCE PER SE
- COUNT V - FRAUD, MISREPRESENTATION, AND SUPPRESSION
- COUNT VI - CONSTRUCTIVE FRAUD
- COUNT VII - BREACH OF IMPLIED WARRANTIES
- COUNT VIII - UNFAIR AND DECEPTIVE TRADE PRACTICES
- COUNT IX - UNJUST ENRICHMENT
- COUNT X - LOSS OF CONSORTIUM
- COUNT XI - WRONGFUL DEATH

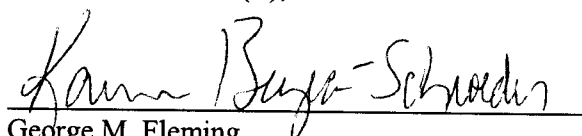
- COUNT XII - SURVIVAL ACTION
- COUNT XIII - GROSS NEGLIGENCE/MALICE
- COUNT XIV – PUNITIVE DAMAGES

6. Plaintiff(s) request trial by jury.

WHEREFORE, Plaintiff(s) request that the Court grant them the following relief against Defendants, Bayer Corporation, Bayer Healthcare Pharmaceuticals Inc., and Bayer Schering Pharma, AG f/k/a Bayer Healthcare AG, jointly and severally, on all counts of this Complaint, including:

- (A) Money Damages representing fair, just and reasonable compensation for their respective common law and statutory claims;
- (B) Punitive and/or Treble Damages pursuant to state law;
- (C) Disgorgement of profits and restitution of all costs;
- (D) Attorneys' fees pursuant to state law;
- (E) Pre-judgment and post-judgment interest as authorized by law on the judgments which enter on Plaintiffs' behalf;
- (F) Costs of suit; and
- (G) Such other relief as is deemed just and appropriate.

THE PLAINTIFF(S),


George M. Fleming
Texas Bar No. 07123000
Karen Beyea-Schroeder
Texas Bar No. 24054324
Aaron Heckaman
Texas Bar No. 24059920
1330 Post Oak Boulevard, Suite 3030
Houston, Texas 77056
Telephone: (713) 621-7944
Facsimile: (713) 621-9638

CERTIFICATE OF SERVICE

I hereby certify that on October 6th, 2009, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on the following counsel of record in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or by mailing the same to the offices of said counsel by United States mail, postage prepaid.


Karen Beyea-Schroeder

Steven E. Derringer
Email: steven.derringer@bartlit-beck.com
Philip S. Beck
Email: philip.beck@bartlit-beck.com
**BARTLIT BECK HERMAN PALENCHAR
& SCOTT LLP**
54 West Hubbard, Suite 300
Chicago, IL 60610
Telephone: 312-494-4400
Facsimile: 312-494-4440
***Defendants Co-Lead Counsel and
Attorney for Defendants Bayer Corporation,
Bayer Healthcare Pharmaceuticals, Inc.,
Bayer Healthcare LLC, Bayer AG, and Bayer
Healthcare AG***

Eugene A. Schoon
Email: eschoon@sidley.com
SIDLEY AUSTIN LLP
One South Dearborn
Chicago, IL 60603
Telephone: 312-853-7000
Facsimile: 312-853-7036
***Defendants Co-Lead Counsel and
Attorney for Defendants Bayer Corporation,
Bayer Healthcare Pharmaceuticals, Inc.,
Bayer Healthcare LLC, Bayer AG, and Bayer
Healthcare AG***

Patricia E. Lowry
Florida Bar No. 332569
Email: plowry@ssd.com
SQUIRE, SANDERS & DEMPSEY, L.L.P.
1900 Phillips Point West
777 South Flagler Drive
West Palm Beach, FL 33401-6198
Telephone: 561-650-7200
Facsimile: 561-655-1509
***Liaison Counsel for Defendants and
Attorneys for Defendants Bayer Corporation,
Bayer Healthcare Pharmaceuticals, Inc.,
Bayer Healthcare LLC, Bayer AG, and Bayer
Healthcare AG***

Richard K. Dandrea, Esq.
Email: rdandrea@eckertseamans.com
ECKERT SEAMANS CHERIN & MELLOTT, LLC
U.S. Steel Tower
600 Grant Street, 44th Floor
Pittsburgh, PA 15219
Telephone: 412-566-6000
Facsimile: 412-566-6099
***Defendants Co-Lead Counsel and
Attorney for Defendants Bayer Corporation,
Bayer Healthcare Pharmaceuticals, Inc.,
Bayer Healthcare LLC, Bayer AG, and Bayer
Healthcare AG***