

ELECTRONICALLY FILED

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
PIKEVILLE DIVISION

FRAN JOHNSON, individually and on)	
behalf of all others similarly situated)	
)	
Plaintiff)	
)	
v.)	CIVIL ACTION NO.
)	_____
INTERNATIONAL LABORATORIES,)	
LLC)	
c/o CT Corporation System)	
1200 South Pine Island Road)	
Plantation, FL 33324)	
)	
-and-)	
)	
QUALITY PACKAGING SPECIALISTS)	
INTERNATIONAL, LLC)	
c/o Corporate Service Company)	
251 Little Falls Drive)	
Wilmington, DE 19808)	
)	
Defendants.)	

CLASS ACTION COMPLAINT

Comes the Plaintiff, Fran Johnson, Individually and on Behalf of All Others Similarly Situated, and for her individual and class action claims below, states as follows:

PARTIES

1. At all times material hereto, Plaintiff, Fran Johnson, is and was a resident of Virgie, Pike County, Kentucky.
2. And all times material hereto, the putative class are persons through all fifty of the United State of America who suffered injury similar to that of Plaintiff.

3. Defendant International Laboratories, LLC is a foreign limited liability company organized under the laws of the State of Florida with a principle office at 2701 75th Street North, St. Petersburg, FL 33710. Based on information and belief, Defendant Quality Packaging Specialists International, LLC acquired 100% ownership of International Laboratories, LLC in February 2017.

4. Defendant Quality Packaging Specialists International, LLC is and was a foreign limited liability company organized under the laws of the State of Delaware with a principle office located at 2030 US 130, Burlington, NJ 08016. Based on information and belief, Quality Packaging Specialists International, LLC acquired 100% ownership of Defendant International Laboratories, LCC in February 2017.

JURISDICTION AND VENUE

5. The diversity of citizenship, injuries, and damages claimed herein exceed the minimal jurisdictional requirements of this Court under the Class Action Fairness Act (CAFA) and 28 U.S.C. § 1332.

6. The tortious acts and injuries giving rise to this Complaint occurred in Pikeville, Pike County, Kentucky.

7. Defendants engaged in beneficial commerce within the Commonwealth of Kentucky and distributed their products to consumers within the Commonwealth of Kentucky.

8. Plaintiff's class action claims listed below are brought pursuant to Federal Rule of Civil Procedure 23 on behalf of herself and all other persons similarly situated who during the Class Period received mislabeled medications from Defendants, their agents, and/or employees as a result of Defendants' wrongful acts as set forth herein during the Class Period.

9. The Plaintiff seeks certification of a nationwide class defined as any person who received medication from Lot No. 117099A and has not received a 100% refund for all medications purchased. Excluded from the class are Defendants, their parents, their subsidiaries, affiliates, officers and directors, those who purchased the medications for resale, any person making a timely objection to be excluded from the class, and the judge to whom this action is assigned and any immediate family members thereof.

10. Plaintiff's causes of action are maintainable as a class action for the following reasons:

- a. During the class period hundreds, if not thousands, of prescription medication recipients suffered due to Defendants' wrongful acts. A recall by the FDA indicates 218,772 prescription bottles were mislabeled, giving rise to this class action claim.¹ The members of the Class for whose benefit this action is brought are so *numerous* that joinder of all Class members is impracticable.
- b. Plaintiff's class action claims are *typical* of the claims of other members of the Class, and Plaintiff and all members of the Class sustained damages as a result of Defendants' unlawful and wrongful conduct in an amount that can be ascertained in the same manner or by the same formula for all members of the Class;
- c. Plaintiff was a recipient of incorrect pharmaceutical medications provided by Defendants, sustaining damages therefrom, and is a *representative* party who will fairly and adequately protect the interests of the other members of the Class and have retained counsel competent and experienced in litigation,

including class action litigation. Plaintiff has no interests antagonistic to or in conflict with the Class it seeks to represent;

- d. A class action is superior to other available methods for the fair and efficient adjudication of the claims asserted in this case because joinder of all members is impracticable. Furthermore, because the damages suffered by the individual Class members may be relatively small in comparison to the expense and burden inherent in this litigation, it will be virtually impossible for Class members to individually redress the wrongs and wrongful acts perpetrated upon them by the Defendants. The likelihood of individual Class members prosecuting separate claims is extremely unlikely and remote;
- e. Plaintiff anticipates no unusual difficulties in the management of this action as a class action;
- f. The questions of law and fact common to members of the Class predominate over any questions affecting any individual members of the Class;
- g. The questions of law and fact which are common to the Class include, but are not limited to, the following:
 - i. Breach of express warranty;
 - ii. Breach of implied warranty of merchantability;
 - iii. Unjust Enrichment;
 - iv. Violations of various states Consumer Protection/Consumer Fraud Acts; and
 - v. Vicarious liability.

¹ Attachment 1, FDA Recall.

- h. The attorneys for the Plaintiff are well qualified and experienced in class action matters.

FACTS

11. In 2010, Plaintiff was prescribed Clopidogrel (brand name: Plavix) in order to address her risk of adverse vascular conditions, including stroke.

12. Plaintiff regularly picked up her prescription for Clopidogrel from the Walmart Pharmacy located at 254 Cassidy Blvd, Pikeville, KY 41501.

13. On or about January 10, 2018 the Food and Drug Administration announced a recall initiated by Defendant International Laboratories, LLC concerning National Drug Code No. 54458-888-16, Lot No. 117099A.²

14. On or about January 29, 2018, Plaintiff received a letter from Walmart informing her that International Laboratories, LLC—the packaging company which provided Clopidogrel to the Pikeville Walmart and other pharmacies—had made an error by filling bottles with Simvastatin 10 mg tablets (common brand names Zocor and/or FloLipid) instead of Clopidogrel 75 mg tablets.³

15. Simvastatin is an anti-cholesterol medication which does not treat vascular conditions in the same manner as Clopidogrel.

16. Lot No. 117099A was distributed to end customers in all 50 states of the United States of America.

17. Plaintiff attempted to obtain a refund by calling the number offered in the recall, 855-258-7280, but was not refunded because she had already consumed the product and disposed of the pill bottle mislabeled as Clopidogrel.

18. Quality Packaging Specialists International, LLC acquired 100% ownership of Defendant International Laboratories, LCC in February 2017, prior to the packaging and distribution of Lot No. 117099A.

19. For all material times hereto, the Defendants Quality Packaging Specialists International, LLC and International Laboratories, LCC were engaged in the packaging, labeling, and interstate distribution of prescription medications, including into Kentucky.

20. As a result of the Defendants wrongful packing, distribution, and provision of prescription, Plaintiff and all potential class members did not receive the correct medication when provided bottles labeled “Clopidogrel” from Lot Number 117099A.

CLASSWIDE CAUSES OF ACTION

21. Plaintiff, Fran Johnson, Individually and on Behalf of All Others Similarly Situated, brings the following class-wide causes of action against Defendants Quality Packaging Specialists International, LLC and International Laboratories, LLC.

COUNT I- BREACH OF EXPRESS WARRANTY

22. Plaintiff adopts and reincorporates paragraphs 1-21 above as if stated herein.

23. Plaintiff, and all others similarly situated, were the ultimate and intended consumers of prescription bottles labeled Clopidogrel from Lot No. 117099A, packaged and distributed by the Defendants.

24. The aforesaid actions of the Defendants constitute a breach of an express warranty in that the Defendants expressly warranted the medication in bottles from Lot No. 117099A contained Clopidogrel, when they in fact did not.

² Attachment 1, FDA Recall.

³ Attachment 2, Walmart Letter to Plaintiff re Recall.

25. Plaintiff, and all other similarly situated, depending on the expertise of the Defendants, relied upon the express warranty that the bottles contained Clopidogrel tablets and consumed them in the intended manner without alteration.

26. As a direct and proximate result of all Defendants' breach of express warranty, Plaintiff and all others similarly situated were deprived of the expected benefit and value of consuming their prescribed medication, Clopidogrel, incurring a monetary loss equivalent to the price per bottle from Lot No. 117099A.

27. Defendants' breach of express warranty was identical to all those receiving medication from Lot No. 117099A and includes breach of common law express warranty law in all fifty states of the United States of America.

COUNT II- BREACH OF IMPLIED WARRANTY

28. Plaintiff adopts and reincorporates paragraphs 1-21 above as if stated herein.

29. The aforesaid actions of the Defendants constitute a breach of the implied warranty of merchantability in that the Defendants placed into the stream of commerce mislabeled medications which reached the Plaintiff and all others similarly situated, the ultimate and intended consumers, without substantial change or alteration.

30. Plaintiff, and all others similarly situated, depending on the expertise of the Defendants, relied upon the implied warranty that the medications were correctly labeled and consumed them in the intended manner.

31. As a direct and proximate result of all Defendants' breach of the implied warranty, Plaintiff and all others similarly situated were deprived of the expected benefit and value of consuming their prescribed medication, Clopidogrel, incurring a monetary loss equivalent to the price per bottle from Lot No. 117099A.

32. Defendants' breach of the implied warranty of merchantability was identical to all those receiving medication from Lot No. 117099A and includes breach of the common law implied warranty of merchantability law in all fifty states of the United States of America.

COUNT III- UNJUST ENRICHMENT

33. Plaintiff adopts and reincorporates paragraphs 1-21 above as if stated herein.

34. As a result of the aforementioned conduct, Defendants have been unjustly enriched at the expense of Plaintiff and all others similarly situated.

35. Defendants' unjust enrichment at the expense of Plaintiff and all other similarly situated was identical to all those receiving medication from Lot No. 117099A and includes common law unjust enrichment law in all fifty states of the United States of America.

36. Defendants should be required to disgorge all monies, profits, and gains which they have obtained at the expense of Plaintiff and the Plaintiff class.

COUNT IV- CONSUMER PROTECTION/CONSUMER FRAUD ACTS

37. Plaintiff adopts and reincorporates paragraphs 1-19 above as if stated herein.

38. Plaintiff and all others similarly situated obtained medications packaged and distributed by Defendants for their own personal purposes.

39. Defendants engaged in unfair, false, misleading and/or deceptive acts or practices in falsely holding Lot No. 117099A out as containing Clopidogrel, in violation of KRS 367.170 and other consumer protection and consumer fraud statutes common across several states within the United States of America.

40. Plaintiff and all others similarly situated are within the intended class of persons protected by KRS 367, *et. seq.*, and other consumer protection and consumer fraud statutes common across several states within the United States of America.

41. Plaintiff and all others similarly situated suffered ascertainable losses as a result of the Defendants unfair, false, misleading and/or deceptive acts or practices.

42. Plaintiff and all others similarly situated have suffered actual damages as alleged in this Complaint as a result of Defendants violation of KRS 367.170, for which she is entitled to recover pursuant to KRS 367.220 on behalf of herself, and recover for all putative class embers outside Kentucky through other consumer protection and consumer fraud statutes and remedies common across several states within the United States of America.

43. Plaintiff is entitled to recover reasonable attorney's fees and costs of litigation pursuant to KRS 367.220(3) and through other similar attorney fee's provisions in consumer protection and consumer fraud statutes and remedies common across several states within the United States of America.

COUNT V- VICARIOUS LIABILITY

44. Plaintiff adopts and reincorporates paragraphs 1-19 above as if stated herein.

45. Having acquired 100% of Defendant International Laboratories, LCC in February 2017, Quality Packaging Specialists International, LLC is vicariously liable for the acts of its wholly owned, directed, and controlled subsidiary, International Laboratories, in the packaging and distribution of Lot No. 117099A, including vicarious liability to Plaintiff and all others similarly situated for:

- a. Breach of express warranty;
- b. Breach of implied warranty;
- c. Unjust Enrichment; and
- d. Consumer Protection/Consumer Fraud Acts violations.

PRAYER FOR RELIEF

WHEREFORE, for her individual and class claims brought on behalf of all other similarly situated against the Defendants, Plaintiff prays for the following relief:

1. Entry of a determination that this action is properly maintainable as a class action pursuant to Federal Rule of Civil Procedure 23 and certify and nationwide class as defined in paragraph 9 above;
2. Entry of an Order certifying Plaintiff as Class Representative and undersigned counsel as Class Counsel;
3. Entry of such Orders and Judgments awarding to Plaintiff and other members of the Class the amount paid for medications they received from Lot No. 117099A;
4. Entry of an award of pre- and post-judgment interest at the statutory rate;
5. Entry of an order for costs herein expended;
6. Entry of an award for attorney's fees;
7. Disgorgement of all profits and unjust enrichment;
8. Entry of an award to Plaintiff and other members of the Class such other and further relief as the Court may deem just and proper in light of the circumstances of this case;
9. Leave to amend this Complaint as the evidence may warrant; and
10. A trial by jury on all issues so triable.

As to Complaint
Johnson, et. al, v.
International Laboratories, LCC, et. al.

Respectfully submitted,

Hans G. Poppe
Kirk A. Laughlin
THE POPPE LAW FIRM
Justice Plaza
8700 Westport Road, Suite 201

Louisville, KY 40242
(502) 895-3400
(502) 895-3420 (fax)
Hans@PoppeLawFirm.com
Kirk@PoppeLawFirm.com

Counsel for Plaintiffs

Clopidogrel Tablets USP, 75 mg by International Laboratories: Recall - Product Mislabeling

[Posted 01/10/2018]

AUDIENCE: Pharmacy, Patient

ISSUE: International Laboratories, LLC is voluntarily recalling Lot# 117099A of Clopidogrel Tablets, USP 75 mg, packaged in bottles of 30 tablets, to the consumer level due to mislabeling. The product is labeled as Clopidogrel Tablets USP, 75 mg but may contain Clopidogrel 75mg or Simvastatin Tablets USP 10 mg.

Missed doses of Clopidogrel increases the risk of heart attack and stroke which can be life threatening. Patients should not stop taking clopidogrel without talking to their prescribing physician. Additionally, unintentional consumption of simvastatin could include the common side effects associated with its use and may cause fetal harm when administered to a pregnant woman. Simvastatin occasionally causes myopathy which is a disease of the muscles. Finally, allergic reactions are also possible and could also be life threatening.

- NDC# 54458-888-16
- Lot# 117099A

BACKGROUND: Clopidogrel Tablets USP 75 mg are a platelet inhibitor (blood thinner) indicated for the use in patients with acute coronary syndrome, recent myocardial infarction (MI), recent stroke, or established peripheral arterial disease. Clopidogrel tablets have been shown to reduce the rate of MI and stroke.

The product was distributed nationwide and delivered to the distribution centers in Arkansas, Georgia, Indiana, California and Maryland, and distributed to retail stores in all US States.

RECOMMENDATION: International Laboratories, LLC is notifying distributors and customers by letter and is arranging for return of all recalled products. Consumers who have purchased this product should stop using and return the product to the location of purchase for a full refund. For questions regarding return of product please call Inmar at 855-258-7280 or via email internationalallabs@inmar.com (<mailto:internationalallabs@inmar.com>) or by using mailing address Recall Coordinator, 635 Vine St., Winston Salem, NC 27101. Inmar's business hours are (Monday – Friday 9 AM – 5 PM EST).

Consumers should also contact their physician or healthcare provider if they are experiencing any health concerns that may be related to taking or using this drug product.

Healthcare professionals and patients are encouraged to report adverse events or side effects related to the use of these products to the FDA's MedWatch Safety Information and Adverse Event Reporting Program:

- Complete and submit the report Online: www.fda.gov/MedWatch/report (<http://www.fda.gov/MedWatch/report>)
- [Download form \(/Safety/MedWatch/HowToReport/DownloadForms/default.htm\)](/Safety/MedWatch/HowToReport/DownloadForms/default.htm) or call 1-800-332-1088 to request a reporting form, then complete and return to the address on the pre-addressed form, or submit by fax to 1-800-FDA-0178

[01/10/2018 - [Press Release \(/Safety/Recalls/ucm591975.htm\)](/Safety/Recalls/ucm591975.htm) - International Laboratories]

More in [Safety Alerts for Human Medical Products](/Safety/MedWatch/SafetyInformation/SafetyAlertsforHumanMedicalProducts/default.htm)
(</Safety/MedWatch/SafetyInformation/SafetyAlertsforHumanMedicalProducts/default.htm>)

2018 Safety Alerts for Human Medical Products
(</Safety/MedWatch/SafetyInformation/SafetyAlertsforHumanMedicalProducts/ucm590808.htm>)

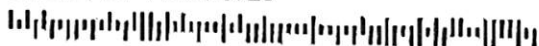


January 29, 2018



327 1 71145 *****AUTO**ALL FOR AADC 250

FRAN JOHNSON
8913 BIG BRANCH RD
VIRGIE, KY 41572-8726



International Laboratories, LLC Issues Voluntary Nationwide Recall of one (1) Lot of Clopidogrel 75 mg packaged in Bottles of 30 Tablets.

Dear Fran Johnson,

Our records indicate that the person to whom this letter is addressed may have received a prescription for **Clopidogrel 75 mg**. We are writing to inform patients of an important voluntary recall concerning this product.

Recall Information:

~~International Laboratories, LLC is voluntarily recalling one (1) Lot of Clopidogrel 75 mg packaged in bottles of 30 tablets due to possible mislabeling.~~ The manufacturer's bottle is labeled as Clopidogrel 75 mg but may contain Simvastatin 10 mg tablets USP.

The affected NDC is 54458-0888-16.

Impacted **Clopidogrel 75 mg 30 count bottle** lot number is: **Lot # 117099A** which may be found on the product label if your prescription was dispensed in an original manufacturer's bottle. Product dispensed by the pharmacy in an amber prescription vial may not be impacted.

What does this mean?

~~Missed doses of Clopidogrel increases the risk of heart attack and stroke which can be life-threatening.~~ Patients should not stop taking Clopidogrel without talking to their prescribing physician. Additionally, unintentional consumption of simvastatin could include the common side effects associated with its use and may cause fetal harm when administered to a pregnant woman. Simvastatin occasionally causes myopathy which is a disease of the muscles. Finally, allergic reactions are also possible and could also be life threatening. International Laboratories, LLC also reports that to date, no complaints have been received related to this event detailing medical illnesses or harmful effects.

What you should do:

- If you have the affected product, stop using it, and return your prescription to your local Walmart Pharmacy during normal business hours, for visual verification by the pharmacist and if necessary return, replacement, and refund.
- For other questions regarding this recall, **please call Inmar at 855-258-7280 (Monday-Friday 9 AM-5 PM EST) or via email internationallabs@inmar.com.**
- Adverse reactions or quality problems related to the use of this product may be reported to FDA's MedWatch Adverse Reporting program online, by regular mail or by fax.
 - **Online:** <http://www.fda.gov/MedWatch/report.htm>
 - **Regular Mail:** Use postage-paid, pre-addressed Form FDA 3500 available at: <http://www.fda.gov/MedWatch/getforms.htm>. Mail to address on the pre-addressed form.
 - **Fax:** 1-800-FDA-0178

This voluntary recall is being conducted with the knowledge of the U.S. Food and Drug Administration.

Thank you for choosing your Walmart Pharmacy.

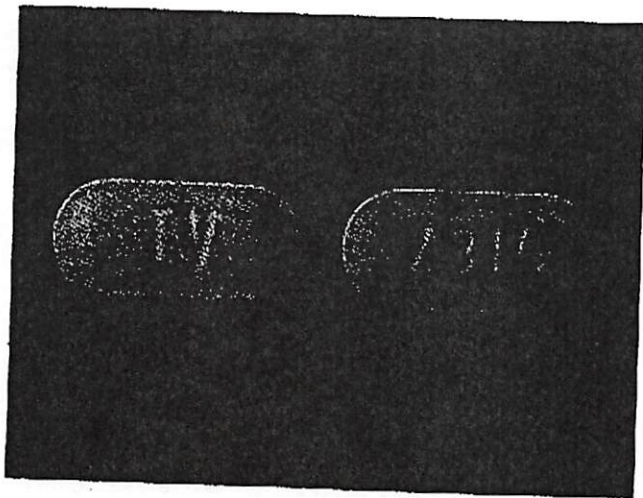
Sincerely,

Your Local Walmart Pharmacy
254 CASSIDY BLVD PIKEVILLE, KY 41501
Phone: 606-432-6177

Clopidogrel Tablets USP 75 mg Label image:

Tablet image:

Clopidogrel Tablet USP 75 mg



Clopidogrel 75mg
 Tablet Description:
 light-pink to pink
 capsule shaped
 "TV" on one side
 "7153" on the other side

Tablet image:

Simvastatin Tablet USP 10 mg



Simvastatin 10 mg
 Tablet Description
 Light-pink, round
 "7153" on one side
 "TV" on the other side

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Fran Johnson Individually and on Behalf of All Others Similarly Situated

(b) County of Residence of First Listed Plaintiff Pike Co., KY
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

The Poppe Law Firm, Hans Poppe & Kirk Laughlin, 8700 Westport Road, Suite 201, Louisville, KY 40242, 502-895-3400

DEFENDANTS

International Laboratories, LLC and Quality Packaging Specialists International, LLC

County of Residence of First Listed Defendant Pinellas Co, FL
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input checked="" type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC § 1332, and 1711 - 1715 (CAFA)
 Brief description of cause:
Class claim for packaging and distribution of mislabeled prescription medications

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMANDS CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: 01/10/2019 SIGNATURE OF ATTORNEY OF RECORD: 

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

FRAN JOHNSON, individually and on behalf of all others similiary situated

Plaintiff(s)

v.

INTERNATIONAL LABORATORIES, LLC

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) International Laboratories, c/o CT Corporation System, 1200 South Pine Island Road, Plantation, FL 33324
Serve: Via KY Secretary of State Under Long-Arm Statute, Kentucky Office of the Secretary of State, Summons Branch, The Capitol Building, 700 Capital Avenue, Suite 86, Frankfort, KY 40601

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Hans G. Poppe, Kirk A. Laughlin, The Poppe Law Firm, Justice Plaza, 8700 Westport Road, Louisville, Kentucky 40242

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

FRAN JOHNSON, individually and on behalf of all others similiary situated

Plaintiff(s)

v.

QUALITY PACKAGING SPECIALISTS INTERNATIONAL, LLC

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Quality Packaging Specialists International, LLC, c/o Corporate Service Company, 251 Little Falls Drive, Wilmington, DE 19808
Serve: Via KY Secretary of State Under Long-Arm Statute, Kentucky Office of the Secretary of State, Summonses Branch, The Capitol Building, 700 Capital Avenue, Suite 86, Frankfort, KY 40601

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Hans G. Poppe, Kirk A. Laughlin, The Poppe Law Firm, Justice Plaza, 8700 Westport Road, Louisville, Kentucky 40242

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Alleged Prescription Med. Bottling Error Sparks Class Action Against International Laboratories, Quality Packaging Specialists](#)
