

CLARK BURNETT, G.P.

By: Roberta J. Karp
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Attorneys for Plaintiffs

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PRO PROTTY

This is Not An Arbitration Case. An Assessment of Damages Is Required.

LYAM KILKER, a Minor, by MICHELLE M. DAVID, Guardian; MICHELLE M. DAVID, Individually
1900 Park Avenue, Apt. C3
Bensalem, PA 19020

Plaintiffs,

vs.

SmithKline Beecham Corporation d/b/a, GlaxoSmithKline,
One Franklin Plaza
Philadelphia, PA 19102-1225

Defendant.

) **COURT OF COMMON PLEAS**
) **TRIAL DIVISION**
) **PHILADELPHIA COUNTY**
)
) **FEBRUARY 2007 TERM**
) **NO. : 001813**
) **IN RE PAXIL PREGNANCY CASES**
) **JURY TRIAL DEMANDED**
)
)
)

**CIVIL ACTION SHORT-FORM COMPLAINT
FOR PAXIL PREGNANCY CASES**

Pursuant to the Order by the Honorable Paul P. Panepinto, Philadelphia County Court of Common Pleas, the following Short Form Complaint is utilized in this mass tort action for cases alleging that a child suffers from a congenital birth defect, from Persistent Pulmonary Hypertension of the Newborn (“PPHN”), or other related or similar conditions, as a result of the child’s mother ingesting the prescription medication Paxil, Paxil OS or Paxil CR (“Paxil”) during her pregnancy (hereinafter “Paxil Pregnancy Cases”). Plaintiffs select and indicate the causes of action raised in

their case by checking off the appropriate spaces corresponding to the causes listed herein. In the event that a cause not listed herein is being raised, or where a claim requires, pursuant to Pennsylvania law, specific pleading or case-specific facts, Plaintiffs shall add and include said cause or said pleading or facts by way of submitting a Supplemental Short Form Complaint as approved by the Court's Case Management Order.

1. Plaintiff, LYAM KILKER, a Minor, by MICHELLE M. DAVID, Guardian;
MICHELLE M. DAVID, Individually against Defendant GSK.

2. A. Minor Plaintiff

Name: LYAM KILKER

Place of Birth: Langhome, PA

State of Residence: PA

Date of Birth: October 24, 2005

- B. Guardian for Minor Plaintiff:

Name: MICHELLE M. DAVID

State of Residence: PA

Relationship to Minor Plaintiff: Parent

- C. Mother of Minor Plaintiff, Individually:

Name: MICHELLE M. DAVID

State of Residence: PA

3. Minor Plaintiff LYAM KILKER's mother ingested the following drugs relevant to this action for the described period:

Paxil X

Paxil CR X

Paxil Oral Suspension _____

Dose (if known): Paxil CR - 25mg/day; and Paroxetine 10mg/day

Reason for prescription (if known): Unknown

4. The prescribing physician was: Dr. A. Ruppertsburger and Dr. Dommick Commadaro

5. Minor Plaintiff LYAM KILKER was born with the following conditions:

Interrupted aortic arch, ventricular VSD, pulmonary hypertension, and other congenital malformations or defects, as well as other congenital malformations or defects which are unknown.

6. Plaintiffs are individuals residing at the above address and claim damages as a result of the mother's ingestion of Paxil during her pregnancy.

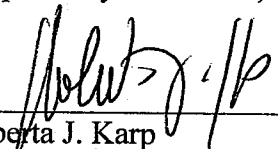
7. The following claims are asserted herein:

<u> X </u>	Count One:	Breach of Express Warranty
<u> X </u>	Count Two:	Breach of Implied Warranty
<u> X </u>	Count Three:	Fraud
<u> X </u>	Count Four:	Intentional Infliction of Emotional Distress
<u> X </u>	Count Five:	Loss of Consortium
<u> X </u>	Count Six:	Negligence
<u> X </u>	Count Seven:	Negligence Per Se
<u> X </u>	Count Eight:	Negligent Pharmacovigilance
<u> X </u>	Count Nine:	Failure to Warn
<u> X </u>	Count Ten:	Negligent Misrepresentation
<u> X </u>	Count Eleven:	Punitive Damages

X Count Twelve: Strict Products Liability and/or Violation of
[Applicable State's Products Liability Act]
 Count Thirteen: Survival/Survivorship Action
 Count Fourteen: Violation of [Applicable State's Consumer
Act]
 Count Fifteen: Wrongful Death
 X Count Sixteen: Loss of Income
 X Count Seventeen: Medical Expenses
 X Count Eighteen: Design Defect

DATED: October 24, 2007

Respectfully Submitted,



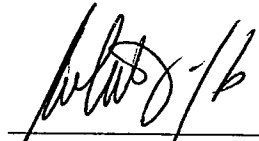
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been forwarded to counsel of record, by the undersigned, pursuant to Pennsylvania Rules of Civil Procedure on the 24 day of October 2007.

Via Certified Mail/RRR
#70011140000102606546
Robert K. Woo, Jr.
Robert B. Friedman
KING & SPALDING
1180 Peachtree Street, NE
Atlanta, GA 30309

Via Certified Mail/RRR
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VERIFICATION

I, Michelle M. David, hereby state:

1. I am one of the plaintiffs in this action;
2. I verify that the statements made in the foregoing CIVIL ACTION COMPLAINT – SHORT FORM are true and correct to the best of my knowledge, information and belief, and;
3. I understand that the statements in said CIVIL ACTION COMPLAINT – SHORT FORM are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Michelle M. David
Michelle M. David, Individually, and as
Guardian of Minor Plaintiff, Lyam Kilker

10-23-07
Date