

**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI**

GAIL LUCILLE INGHAM and ROBERT
INGHAM,

and

CASWALYN LANDRY,

and

TAMMY RAE BAXLEY,

and

LIBERTY VEGAS, ON BEHALF OF PAULA
BOHANON,

and

SUSAN MARIE COLVIN,

and

RHONDA LANELLE DUNN and EUGENE
DUNN,

and

JOHANNA JANE GOLDMAN and LAINE
GOLDMAN,

and

MARCIA L. HILLMAN,

and

STACEY LYN HOMMEL,

and

DEBRA ANN HUNT and PAUL HUNT,

and

Cause Number: 1522-CC10417

JURY TRIAL DEMANDED

SHANNON L. JONES and RYAN JONES,

and

RONDA LYNNE JONES and NORMAN
JONES,

and

MARY JILL KAYTON and TODD S.
KAYTON,

and,

KENNETH LEAK, ON BEHALF OF
DEBORAH K. LEAK,

and

KAY LUBOLD,

and

STEPHANIE MARTIN and KEN MARTIN,

and

CECILIA A. MARTINEZ,

and

DEBRA LOUISE MOBERG and GARY
MOBERG,

and

MARCIA ELIZABETH OWENS,

and

JANIS GAIL OXFORD and WILLIAM
OXFORD,

and

DONNA LYNN PACKARD and ROBERT

PACKARD,

and

KATHLEEN REILLY and JOHN REILLY,

and

JANET SUE RIEGSECKER,

and

TONI S. ROBERTS,

and

OLGA P. SALAZAR,

and

PAMELA DIANNE SCARPINO,

and

ANDREA SCHWARTZ-THOMAS and
BRYAN THOMAS,

and

MELISSA ANN SMITH and TERRY SMITH,

and

KATHLEEN CHRISTENSEN SMITH,

and

MONICA SHERISE SWEAT and GREGORY
SWEAT,

and

ELSIE TEXIDOR, ON BEHALF OF
GENEANN APODACA,

and

ELAITA ROLAIN WALKER and MARVIN WALKER,

and

BERLINDA WALKER,

and

BONNIE LOUISE WAMSLEY,

and

JAMIE BEAGLE WEBSTER and BJ WEBSTER,

and

CAROLE WILLIAMS AND TALMADGE WILLIAMS,

and

REBA NELL WILLIAMS,

and

CHRISTINA WYCKOFF,

and

MITZI DENISE ZSCHIESCHE,

and

KIMBERLY ANN VILLNEUVE,

and

ROBERTA B. WEINER and MICHAEL WEINER,

and

ELSA E. ROSALES,

and

FRANCES CAROLYN FULLER,

and

SHANNON RENAE PELL and ERIK PELL,

and

VAN WALKER, ON BEHALF OF SHERRI
ELLEN WALKER,

and

BRIAN MEHL, ON BEHALF OF REBECCA
J. MEHL,

and

RONALD DAHLY, ON BEHALF OF
FRANCIE ROCHELLE-HORN DAHLY,

and

ANNETTE M. KOMAN and ALLAN
KOMAN,

and

ROBIN LOU KANTNER,

and

ANNIE M. GROOVER and MARTIN
MAILLARD,

and

RAMONA GONZALEZ,

and

JODY LEANN HAYES,

and

GERALDINE NEWMAN,

and

GLENDIA NORTH, ON BEHALF OF
CLORA MAE WEBB,

and

KAREN DENISE HAWK and MARK E.
HAWK,

and

MICHAEL ABELSON, ON BEHALF OF
LYNN C. ABELSON,

and

KRYSTAL J. KIM,

and

SHEILA D. BROOKS,

Plaintiffs,

v.

JOHNSON & JOHNSON

Serve: Steven M. Rosenberg
Registered Agent
One Johnson & Johnson Plaza
New Brunswick, NJ 08933

and

JOHNSON & JOHNSON CONSUMER
COMPANIES, INC.

Serve: Person in Charge
One Johnson & Johnson Plaza
New Brunswick, NJ 08933

and

IMERYYS TALC AMERICA, INC. F/K/A
LUZENAC AMERICA, INC.

Serve: CSC-Lawyers Incorporating Service
Company
Registered Agent
221 Bolivar
Jefferson City, MO 65101

Defendants.

SECOND AMENDED PETITION

COME NOW Plaintiffs, by and through their undersigned counsel, and for their cause of action against Defendants Johnson & Johnson; Johnson & Johnson Consumer Companies, Inc.; and Imerys Talc America, Inc., f/k/a Luzenac America, Inc., alleging the following upon information and belief (including investigation made by and through Plaintiffs' counsel), except those allegations that pertain to Plaintiffs, which are based on personal knowledge:

INTRODUCTION

1. Plaintiffs bring this cause of action against Defendants pursuant to Rule 52.05(a) of the Missouri Rules of Civil Procedure as their claims arise out of the same series of transactions and occurrences, and their claims involve common questions of law and/or fact. All claims in this action are a direct and proximate result of Defendants' and/or their corporate predecessors negligent, willful, and wrongful conduct in connection with the design, development, manufacture, testing, packaging, promoting, marketing, distribution, labeling, and/or sale of the products known as Johnson & Johnson Baby Powder and Shower to Shower (hereinafter "the PRODUCTS"). All Plaintiffs in this action seek recovery for damages as a result of developing ovarian cancer, which was directly and proximately caused by such wrongful conduct by Defendants, the unreasonably dangerous and defective nature of talcum

powder, and the attendant effects of developing ovarian cancer. All of the claims in this action involve common legal and medical issues.

PARTIES

2. Plaintiff Gail Lucille Ingham is a citizen of the City of O'Fallon, State of Missouri. At all pertinent times, including from approximately 1956 until 1986, Plaintiff Gail Lucille Ingham purchased and applied talcum powder in the State of Missouri. In or around January, 1985, Plaintiff Gail Lucille Ingham was diagnosed with ovarian cancer, which developed in the State of Missouri. Plaintiff Gail Lucille Ingham received treatment in St. Louis, Missouri. Plaintiff Gail Lucille Ingham developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Gail Lucille Ingham has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Gail Lucille Ingham has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Gail Lucille Ingham applied talcum powder in the State of Missouri.

3. Plaintiff Robert Ingham is the husband of Gail Lucille Ingham. As a result of the medical conditions developed by his wife and the medical treatment and hospitalization that she has and will endure, Plaintiff Robert Ingham lost a substantial measure of his wife's household services; and lost, and will continue to lose in the future, a substantial measure of his wife's consortium.

4. Plaintiff Caswalyn Landry is a citizen of the City of St. Louis, State of Missouri. At all pertinent times, including from approximately 1990 until 2006, Plaintiff Caswalyn Landry purchased and applied talcum powder in the State of Missouri. In or around June, 2006, Plaintiff Caswalyn Landry was diagnosed with ovarian cancer, which developed in the State of Missouri. Plaintiff Caswalyn Landry received treatment in St. Louis, Missouri. Plaintiff Caswalyn Landry

developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Caswalyn Landry has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Caswalyn Landry has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Caswalyn Landry applied talcum powder in the State of Missouri.

5. Plaintiff Tammy Rae Baxley is a citizen of the City of Winston Salem, State of North Carolina. At all pertinent times, including from approximately 1972 until 2011, Plaintiff Tammy Rae Baxley purchased and applied talcum powder in the State of North Carolina. In or around February, 2011, Plaintiff Tammy Rae Baxley was diagnosed with ovarian cancer, which developed in the State of North Carolina. Plaintiff Tammy Rae Baxley developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Tammy Rae Baxley has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Tammy Rae Baxley has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Tammy Rae Baxley applied talcum powder in the State of North Carolina.

6. Plaintiff Liberty Vegas, is an adult whose principal place of residence is the City of Fairborn, State of Ohio brings this action in his capacity as representative of the Estate of Deborah K. Leak. Plaintiff is pursuing this action due to the wrongfully caused premature death of Paula Bohanon on behalf of that decedent's estate. The premature death of Paula Bohanon was the direct and proximate result of her application of talcum powder and subsequent ovarian cancer diagnosis. As a direct and proximate result of the unreasonably dangerous and defective

nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder, and pursuant to C.R.S. §§ 13-21-201, et seq., Plaintiff seeks damages for decedent's loss of future earnings, loss of decedent's value to her estate, and other damages as allowed by law.

7. Plaintiff Susan Marie Colvin is a citizen of the City of Erie, State of Pennsylvania. At all pertinent times, including from approximately 1970 until 2013, Plaintiff Susan Marie Colvin purchased and applied talcum powder in the State of Pennsylvania. In or around January, 2013, Plaintiff Susan Marie Colvin was diagnosed with ovarian cancer, which developed in the State of Pennsylvania. Plaintiff Susan Marie Colvin developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Susan Marie Colvin has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Susan Marie Colvin has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Susan Marie Colvin applied talcum powder in the State of Pennsylvania.

8. Plaintiff Rhona Lanelle Dunn is a citizen of the City of Hot Springs, State of Arizona. At all pertinent times, including from approximately 1980 until 2011, Plaintiff Rhonda Lanelle Dunn purchased and applied talcum powder in the State of Arizona. In or around February, 2011, Plaintiff Rhonda Lanelle Dunn was diagnosed with ovarian cancer, which developed in the State of Arizona. Plaintiff Rhonda Lanelle Dunn developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Rhonda

Lanelle Dunn has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Rhonda Lanelle Dunn has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Rhonda Lanelle Dunn applied talcum powder in the State of Arizona.

9. Plaintiff Eugene Dunn is the husband of Rhonda Lanelle Dunn. As a result of the medical conditions developed by his wife and the medical treatment and hospitalization that she has and will endure, Plaintiff Eugene Dunn lost a substantial measure of his wife's household services; and lost, and will continue to lose in the future, a substantial measure of his wife's consortium.

10. Plaintiff Johanna Jane Goldman is a citizen of the City of Palm Springs, State of California. At all pertinent times, including from approximately 2000 until 2014, Plaintiff Johanna Jane Goldman purchased and applied talcum powder in the State of California. In or around February, 2014, Plaintiff Johanna Jane Goldman was diagnosed with ovarian cancer, which developed in the State of California. Plaintiff Johanna Jane Goldman developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Johanna Jane Goldman has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Johanna Jane Goldman has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Johanna Jane Goldman applied talcum powder in the State of California.

11. Plaintiff Laine Goldman is the husband of Johanna Jane Goldman. As a result of the medical conditions developed by his wife and the medical treatment and hospitalization that she has and will endure, Plaintiff Laine Goldman lost a substantial measure of his wife's

household services; and lost, and will continue to lose in the future, a substantial measure of his wife's consortium.

12. Plaintiff Marcia L. Hillman is a citizen of the City of Whitney Point, State of New York. At all pertinent times, including from approximately 1970 until 2014, Plaintiff Marcia L. Hillman purchased and applied talcum powder in the State of New York. In or around January, 2014, Plaintiff Marcia L. Hillman was diagnosed with ovarian cancer, which developed in the State of New York. Plaintiff Marcia L. Hillman developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Marcia L. Hillman has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Marcia L. Hillman has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Marcia L. Hillman applied talcum powder in the State of New York.

13. Plaintiff Stacey Lyn Hommel is a citizen of the City of Kingston, State of New York. At all pertinent times, including from approximately 1980 until 2013, Plaintiff Stacey Lyn Hommel purchased and applied talcum powder in the State of New York. In or around March, 2013, Plaintiff Stacey Lyn Hommel was diagnosed with ovarian cancer, which developed in the State of New York. Plaintiff Marcia L. Hillman developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Stacey Lyn Hommel has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Stacey Lyn Hommel has otherwise been

damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Stacey Lyn Hommel applied talcum powder in the State of New York.

14. Plaintiff Debra Ann Hunt is a citizen of the City of Stoneham, State of Massachusetts. At all pertinent times, including from approximately 1968 until 2005, Plaintiff Debra Ann Hunt purchased and applied talcum powder in the State of Massachusetts. In or around October, 2011, Plaintiff Debra Ann Hunt was diagnosed with ovarian cancer, which developed in the State of Massachusetts. Plaintiff Debra Ann Hunt developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Debra Ann Hunt has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Debra Ann Hunt has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Debra Ann Hunt applied talcum powder in the State of Massachusetts.

15. Plaintiff Paul Hunt is the husband of Debra Ann Hunt. As a result of the medical conditions developed by his wife and the medical treatment and hospitalization that she has and will endure, Plaintiff Paul Hunt lost a substantial measure of his wife's household services; and lost, and will continue to lose in the future, a substantial measure of his wife's consortium.

16. Plaintiff Shannon L. Jones is a citizen of the City of Loveland, State of Ohio. At all pertinent times, including from approximately 1999 until 2009, Plaintiff Shannon L. Jones purchased and applied talcum powder in the State of Ohio. In or around April, 2009, Plaintiff Shannon L. Jones was diagnosed with ovarian cancer, which developed in the State of Ohio. Plaintiff Shannon L. Jones developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a

direct and proximate result of these injuries, Plaintiff Shannon L. Jones has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Shannon L. Jones has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Shannon L. Jones applied talcum powder in the State of Ohio.

17. Plaintiff Ryan Jones is the husband of Shannon L. Jones. As a result of the medical conditions developed by his wife and the medical treatment and hospitalization that she has and will endure, Plaintiff Ryan Jones lost a substantial measure of his wife's household services; and lost, and will continue to lose in the future, a substantial measure of his wife's consortium.

18. Plaintiff Ronda Lynne Jones is a citizen of the City of Indianapolis, State of Indiana. At all pertinent times, including from approximately 1980 until 2014, Plaintiff Ronda Lynne Jones purchased and applied talcum powder in the State of Indiana. In or around August, 2014, Plaintiff Ronda Lynne Jones was diagnosed with ovarian cancer, which developed in the State of Indiana. Plaintiff Ronda Lynne Jones developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Ronda Lynne Jones has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Ronda Lynne Jones has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Ronda Lynne Jones applied talcum powder in the State of Indiana.

19. Plaintiff Norman Jones is the husband of Ronda Lynne Jones. As a result of the medical conditions developed by his wife and the medical treatment and hospitalization that she has and will endure, Plaintiff Norman Jones lost a substantial measure of his wife's household

services; and lost, and will continue to lose in the future, a substantial measure of his wife's consortium.

20. Plaintiff Mary Jill Kayton is a citizen of the City of Brookfield, State of Illinois. At all pertinent times, including from approximately 1974 until 2012, Plaintiff Mary Jill Kayton purchased and applied talcum powder in the State of Illinois. In or around December, 2012, Plaintiff Mary Jill Kayton was diagnosed with ovarian cancer, which developed in the State of Illinois. Plaintiff Mary Jill Kayton developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Mary Jill Kayton has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Mary Jill Kayton has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Mary Jill Kayton applied talcum powder in the State of Illinois.

21. Plaintiff Todd S. Kayton is the husband of Mary Jill Kayton. As a result of the medical conditions developed by his wife and the medical treatment and hospitalization that she has and will endure, Plaintiff Todd S. Kayton lost a substantial measure of his wife's household services; and lost, and will continue to lose in the future, a substantial measure of his wife's consortium.

22. Plaintiff Kenneth Leak, is an adult whose principal place of residence is the City of Des Moines, State of Washington brings this action in his capacity as representative of the Estate of Deborah K. Leak. Plaintiff is pursuing this action due to the wrongfully caused premature death of Deborah K. Leak on behalf of that decedent's estate. The premature death of Deborah K. Leak was the direct and proximate result of her application of talcum powder and subsequent ovarian cancer diagnosis. As a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent

conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder, and pursuant to C.R.S. §§ 13-21-201, et seq., Plaintiff seeks damages for decedent's loss of future earnings, loss of decedent's value to her estate, and other damages as allowed by law.

23. Plaintiff Kay Lubold is a citizen of the City of New Philadelphia, State of Pennsylvania. At all pertinent times, including from approximately 1969 until 2014, Plaintiff Kay Lubold purchased and applied talcum powder in the State of Pennsylvania. In or around December, 2014, Plaintiff Kay Lubold was diagnosed with ovarian cancer, which developed in the State of Pennsylvania. Plaintiff Kay Lubold developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Kay Lubold has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Kay Lubold has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Kay Lubold applied talcum powder in the State of Pennsylvania.

24. Plaintiff Stephanie Martin is a citizen of the City of Lexington, State of Kentucky. At all pertinent times, including from approximately 1986 until 2015, Plaintiff Stephanie Martin purchased and applied talcum powder in the State of Kentucky. In or around January, 2015, Plaintiff Stephanie Martin was diagnosed with ovarian cancer, which developed in the State of Kentucky. Plaintiff Stephanie Martin developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Stephanie Martin has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and

loss of enjoyment of life, and Plaintiff Stephanie Martin has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Stephanie Martin applied talcum powder in the State of Kentucky.

25. Plaintiff Ken Martin is the husband of Stephanie Martin. As a result of the medical conditions developed by his wife and the medical treatment and hospitalization that she has and will endure, Plaintiff Ken Martin lost a substantial measure of his wife's household services; and lost, and will continue to lose in the future, a substantial measure of his wife's consortium.

26. Plaintiff Cecilia A. Martinez is a citizen of the City of Dallas, State of Texas. At all pertinent times, including from approximately 1980 until 2015, Plaintiff Cecilia A. Martinez purchased and applied talcum powder in the State of Texas. In or around January, 2011, Plaintiff Cecilia A. Martinez was diagnosed with ovarian cancer, which developed in the State of Texas. Plaintiff Cecilia A. Martinez developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Cecilia A. Martinez has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Cecilia A. Martinez has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Cecilia A. Martinez applied talcum powder in the State of Texas.

27. Plaintiff Debra Louise Moberg is a citizen of the City of Point Pleasant, State of New Jersey. At all pertinent times, including from approximately 1968 until 2013, Plaintiff Debra Louise Moberg purchased and applied talcum powder in the State of New Jersey. In or around January, 2013, Plaintiff Debra Louise Moberg was diagnosed with ovarian cancer, which developed in the State of New Jersey. Plaintiff Debra Louise Moberg developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably

dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Debra Louise Moberg has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Debra Louise Moberg has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Debra Louise Moberg applied talcum powder in the State of New Jersey.

28. Plaintiff Gary Moberg is the husband of Debra Louise Moberg. As a result of the medical conditions developed by his wife and the medical treatment and hospitalization that she has and will endure, Plaintiff Gary Moberg lost a substantial measure of his wife's household services; and lost, and will continue to lose in the future, a substantial measure of his wife's consortium.

29. Plaintiff Marcia Elizabeth Owens is a citizen of the City of Charlotte, State of South Carolina. At all pertinent times, including from approximately 1984 until 2014, Plaintiff Marcia Elizabeth Owens purchased and applied talcum powder in the State of South Carolina. In or around June, 2013, Plaintiff Marcia Elizabeth Owens was diagnosed with ovarian cancer, which developed in the State of South Carolina. Plaintiff Marcia Elizabeth Owens developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Marcia Elizabeth Owens has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Marcia Elizabeth Owens has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Marcia Elizabeth Owens applied talcum powder in the State of South Carolina.

30. Plaintiff Janis Gail Oxford is a citizen of the City of Abilene, State of Texas. At all pertinent times, including from approximately 1966 until 2014, Plaintiff Janis Gail Oxford purchased and applied talcum powder in the State of Texas. In or around December, 2011, Plaintiff Janis Gail Oxford was diagnosed with ovarian cancer, which developed in the State of Texas. Plaintiff Janis Gail Oxford developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Janis Gail Oxford has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Janis Gail Oxford has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Janis Gail Oxford applied talcum powder in the State of Texas.

31. Plaintiff William Oxford is the husband of Janis Gail Oxford. As a result of the medical conditions developed by his wife and the medical treatment and hospitalization that she has and will endure, Plaintiff William Oxford lost a substantial measure of his wife's household services; and lost, and will continue to lose in the future, a substantial measure of his wife's consortium.

32. Plaintiff Donna Lynn Packard is a citizen of the City of Charlottesville, State of Virginia. At all pertinent times, including from approximately 1970 until 2009, Plaintiff Donna Lynn Packard purchased and applied talcum powder in the State of Virginia. In or around September, 2008, Plaintiff Donna Lynn Packard was diagnosed with ovarian cancer, which developed in the State of Virginia. Plaintiff Donna Lynn Packard developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Donna Lynn

Packard has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Donna Lynn Packard has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Donna Lynn Packard applied talcum powder in the State of Virginia.

33. Plaintiff Robert Packard is the husband of Donna Lynn Packard. As a result of the medical conditions developed by his wife and the medical treatment and hospitalization that she has and will endure, Plaintiff Robert Packard lost a substantial measure of his wife's household services; and lost, and will continue to lose in the future, a substantial measure of his wife's consortium.

34. Plaintiff Kathleen Reilly is a citizen of the City of Ronkonkoma, State of New York. At all pertinent times, including from approximately 1964 until 2009, Plaintiff Kathleen Reilly purchased and applied talcum powder in the State of New York. In or around November, 2009, Plaintiff Kathleen Reilly was diagnosed with ovarian cancer, which developed in the State of New York. Plaintiff Kathleen Reilly developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Kathleen Reilly has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Kathleen Reilly has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Kathleen Reilly applied talcum powder in the State of New York.

35. Plaintiff John Reilly is the husband of Kathleen Reilly. As a result of the medical conditions developed by his wife and the medical treatment and hospitalization that she has and will endure, Plaintiff John Reilly lost a substantial measure of his wife's household services; and lost, and will continue to lose in the future, a substantial measure of his wife's consortium.

36. Plaintiff Janet Sue Riegsecker is a citizen of the City of Grosse Pointe, State of Michigan. At all pertinent times, including from approximately 1970 until 2013, Plaintiff Janet Sue Riegsecker purchased and applied talcum powder in the State of Michigan. In or around August, 2013, Plaintiff Janet Sue Riegsecker was diagnosed with ovarian cancer, which developed in the State of Michigan. Plaintiff Janet Sue Riegsecker developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Janet Sue Riegsecker has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Janet Sue Riegsecker has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Janet Sue Riegsecker applied talcum powder in the State of Michigan.

37. Plaintiff Toni S. Roberts is a citizen of the City of Pittsburgh, State of Pennsylvania. At all pertinent times, including from approximately 1974 until 2014, Plaintiff Toni S. Roberts purchased and applied talcum powder in the State of Pennsylvania. In or around November, 2014, Plaintiff Toni S. Roberts was diagnosed with ovarian cancer, which developed in the State of Pennsylvania. Plaintiff Toni S. Roberts developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Toni S. Roberts has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Toni S. Roberts has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Toni S. Roberts applied talcum powder in the State of Pennsylvania.

38. Plaintiff Olga P. Salazar is a citizen of the City of Florence, State of Arizona. At all pertinent times, including from approximately 1972 until 2015, Plaintiff Olga P. Salazar purchased and applied talcum powder in the State of Arizona. In or around March, 2012, Plaintiff Olga P. Salazar was diagnosed with ovarian cancer, which developed in the State of Arizona. Plaintiff Olga P. Salazar developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Olga P. Salazar has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Olga P. Salazar has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Olga P. Salazar applied talcum powder in the State of Arizona.

39. Plaintiff Pamela Dianne Scarpino is a citizen of the City of Windsor Heights, State of Iowa. At all pertinent times, including from approximately 1980 until 2015, Plaintiff Pamela Dianne Scarpino purchased and applied talcum powder in the States of Iowa and Missouri. In or around January, 2007, Plaintiff Pamela Dianne Scarpino was diagnosed with ovarian cancer, which developed in the State of Missouri. Plaintiff Pamela Dianne Scarpino developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Pamela Dianne Scarpino has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Pamela Dianne Scarpino has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Pamela Dianne Scarpino applied talcum powder in the States of Iowa and Missouri.

40. Plaintiff Andrea Schwartz-Thomas is a citizen of the City of Stafford, State of Virginia. At all pertinent times, including from approximately 2008 until 2013, Plaintiff Andrea Schwartz-Thomas purchased and applied talcum powder in the State of Virginia. In or around July, 2014, Plaintiff Andrea Schwartz-Thomas was diagnosed with ovarian cancer, which developed in the State of Virginia. Plaintiff Andrea Schwartz-Thomas developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Andrea Schwartz-Thomas has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Andrea Schwartz-Thomas has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Andrea Schwartz-Thomas applied talcum powder in the State of Virginia.

41. Plaintiff Bryan Thomas is the husband of Andrea Schwartz-Thomas. As a result of the medical conditions developed by his wife and the medical treatment and hospitalization that she has and will endure, Plaintiff Bryan Thomas lost a substantial measure of his wife's household services; and lost, and will continue to lose in the future, a substantial measure of his wife's consortium.

42. Plaintiff Melissa Ann Smith is a citizen of the City of Wolfeboro, State of New Hampshire. At all pertinent times, including from approximately 1980 until 2014, Plaintiff Melissa Ann Smith purchased and applied talcum powder in the State of New Hampshire. In or around April, 2014, Plaintiff Melissa Ann Smith was diagnosed with ovarian cancer, which developed in the State of New Hampshire. Plaintiff Melissa Ann Smith developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion,

distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Melissa Ann Smith has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Melissa Ann Smith has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Melissa Ann Smith applied talcum powder in the State of New Hampshire.

43. Plaintiff Terry Smith is the husband of Melissa Ann Smith. As a result of the medical conditions developed by his wife and the medical treatment and hospitalization that she has and will endure, Plaintiff Terry Smith lost a substantial measure of his wife's household services; and lost, and will continue to lose in the future, a substantial measure of his wife's consortium.

44. Plaintiff Kathleen Christensen Smith is a citizen of the City of Fort Worth, State of Texas. At all pertinent times, including from approximately 1980 until 2014, Plaintiff Kathleen Christensen Smith purchased and applied talcum powder in the State of Texas. In or around January, 2005, Plaintiff Kathleen Christensen Smith was diagnosed with ovarian cancer, which developed in the State of Texas. Plaintiff Kathleen Christensen Smith developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Kathleen Christensen Smith has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Kathleen Christensen Smith has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Kathleen Christensen Smith applied talcum powder in the State of Texas.

45. Plaintiff Monica Sherise Sweat is a citizen of the City of Douglas, State of Georgia. At all pertinent times, including from approximately 1990 until 2009, Plaintiff Monica

Sherise Sweat purchased and applied talcum powder in the State of Georgia. In or around June, 2009, Plaintiff Monica Sherise Sweat was diagnosed with ovarian cancer, which developed in the State of Georgia. Plaintiff Monica Sherise Sweat developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Monica Sherise Sweat has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Monica Sherise Sweat has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Monica Sherise Sweat applied talcum powder in the State of Georgia.

46. Plaintiff Gregory Sweat is the husband of Monica Sherise Sweat. As a result of the medical conditions developed by his wife and the medical treatment and hospitalization that she has and will endure, Plaintiff Gregory Sweat lost a substantial measure of his wife's household services; and lost, and will continue to lose in the future, a substantial measure of his wife's consortium.

47. Plaintiff Elsie Texidor, is an adult whose principal place of residence is the City of Ocala, State of Florida, brings this action in her capacity as representative of the Estate of Geneann Apodaca. Plaintiff is pursuing this action due to the wrongfully caused premature death of Geneann Apodaca on behalf of that decedent's estate. The premature death of Geneann Apodaca was the direct and proximate result of her application of talcum powder and subsequent ovarian cancer diagnosis. As a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder, and pursuant to C.R.S. §§ 13-21-201, et seq., Plaintiff seeks damages for decedent's loss of future earnings, loss of decedent's value to her estate, and other damages as allowed by law.

48. Plaintiff Eleita Rolaine Walker is a citizen of the City of Grandview, State of Missouri. At all pertinent times, including from approximately 1972 until 2012, Plaintiff Eleita Rolaine Walker purchased and applied talcum powder in the State of Missouri. In or around August, 2012, Plaintiff Eleita Rolaine Walker was diagnosed with ovarian cancer, which developed in the State of Missouri. Plaintiff Eleita Rolaine Walker developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Eleita Rolaine Walker has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Eleita Rolaine Walker has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Eleita Rolaine Walker applied talcum powder in the State of Missouri.

49. Plaintiff Marvin Walker is the husband of Eleita Rolaine Walker. As a result of the medical conditions developed by his wife and the medical treatment and hospitalization that she has and will endure, Plaintiff Marvin Walker lost a substantial measure of his wife's household services; and lost, and will continue to lose in the future, a substantial measure of his wife's consortium.

50. Plaintiff Berlinda Walker is a citizen of the City of Chicago, State of Illinois. At all pertinent times, including from approximately 1976 until 1986, Plaintiff Berlinda Walker purchased and applied talcum powder in the State of Illinois. In or around January, 1986, Plaintiff Berlinda Walker was diagnosed with ovarian cancer, which developed in the State of Illinois. Plaintiff Berlinda Walker developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Berlinda Walker has incurred and will

incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Berlinda Walker has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Berlinda Walker applied talcum powder in the State of Illinois.

51. Plaintiff Bonnie Louise Wamsley is a citizen of the City of Cumberland, State of Maryland. At all pertinent times, including from approximately 1967 until 2012, Plaintiff Bonnie Louise Wamsley purchased and applied talcum powder in the State of Maryland. In or around June, 2014, Plaintiff Bonnie Louise Wamsley was diagnosed with ovarian cancer, which developed in the State of Maryland. Plaintiff Bonnie Louise Wamsley developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Bonnie Louise Wamsley has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Bonnie Louise Wamsley has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Bonnie Louise Wamsley applied talcum powder in the State of Maryland.

52. Plaintiff Jamie Beagle Webster is a citizen of the City of Gainesville, State of Florida. At all pertinent times, including from approximately 1974 until 2013, Plaintiff Jamie Beagle Webster purchased and applied talcum powder in the State of Florida. In or around January, 2013, Plaintiff Jamie Beagle Webster was diagnosed with ovarian cancer, which developed in the State of Florida. Plaintiff Jamie Beagle Webster developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Jamie Beagle Webster has incurred and will incur medical expenses in the future, has endured and will endure

pain and suffering and loss of enjoyment of life, and Plaintiff Jamie Beagle Webster has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Jamie Beagle Webster applied talcum powder in the State of Florida.

53. Plaintiff BJ Webster is the husband of Jamie Beagle Webster. As a result of the medical conditions developed by his wife and the medical treatment and hospitalization that she has and will endure, Plaintiff BJ Webster lost a substantial measure of his wife's household services; and lost, and will continue to lose in the future, a substantial measure of his wife's consortium.

54. Plaintiff Carole Williams is a citizen of the City of Warner Robbins, State of Georgia. At all pertinent times, including from approximately 1975 until 2012, Plaintiff Carole Williams purchased and applied talcum powder in the State of Georgia. In or around August, 2012, Plaintiff Carole Williams was diagnosed with ovarian cancer, which developed in the State of Georgia. Plaintiff Carole Williams developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Carole Williams has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Carole Williams has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Carole Williams applied talcum powder in the State of Georgia.

55. Plaintiff Talmadge Williams is the husband of Carole Williams. As a result of the medical conditions developed by his wife and the medical treatment and hospitalization that she has and will endure, Plaintiff Talmadge Williams lost a substantial measure of his wife's household services; and lost, and will continue to lose in the future, a substantial measure of his wife's consortium.

56. Plaintiff Reba Nell Williams is a citizen of the City of Wichita Falls, State of Texas. At all pertinent times, including from approximately 1963 until 2015, Plaintiff Jennifer Grace Wilder purchased and applied talcum powder in the State of Texas. In or around May, 2010, Plaintiff Reba Nell Williams was diagnosed with ovarian cancer, which developed in the State of Texas. Plaintiff Reba Nell Williams developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Reba Nell Williams has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Reba Nell Williams has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Reba Nell Williams applied talcum powder in the State of Texas.

57. Plaintiff Christina Wyckoff is a citizen of the City of Pomona, State of California. At all pertinent times, including from approximately 1989 until 2015, Plaintiff Christina Wyckoff purchased and applied talcum powder in the State of California. In or around October, 2009, Plaintiff Christina Wyckoff was diagnosed with ovarian cancer, which developed in the State of California. Plaintiff Christina Wyckoff developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Christina Wyckoff has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Christina Wyckoff has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Christina Wyckoff applied talcum powder in the State of California.

58. Plaintiff Mitzi Denise Zschiesche is a citizen of the City of New Braunfels, State of Texas. At all pertinent times, including from approximately 1984 until 2015, Plaintiff Mitzi Denise Zschiesche purchased and applied talcum powder in the State of Texas. In or around March, 2015, Plaintiff Mitzi Denise Zschiesche was diagnosed with ovarian cancer, which developed in the State of Texas. Plaintiff Mitzi Denise Zschiesche developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Mitzi Denise Zschiesche has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Mitzi Denise Zschiesche has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Mitzi Denise Zschiesche applied talcum powder in the State of Texas.

59. Plaintiff Kimberly Ann Villneuve is a citizen of the City of East Charleston, State of Vermont. At all pertinent times, including from approximately 1985 until 2010, Plaintiff Kimberly Ann Villneuve purchased and applied talcum powder in the State of Vermont. In or around December, 2009, Plaintiff Kimberly Ann Villneuve was diagnosed with ovarian cancer, which developed in the State of Vermont. Plaintiff Kimberly Ann Villneuve developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Kimberly Ann Villneuve has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Kimberly Ann Villneuve has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Kimberly Ann Villneuve applied talcum powder in the State of Vermont.

60. Plaintiff Roberta B. Weiner is a citizen of the City of East Bridgewater, State of Massachusetts. At all pertinent times, including from approximately 1953 until 1999, Plaintiff Roberta B. Weiner purchased and applied talcum powder in the State of Massachusetts. In or around April, 2003, Plaintiff Roberta B. Weiner was diagnosed with ovarian cancer, which developed in the State of Massachusetts. Plaintiff Roberta B. Weiner developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Roberta B. Weiner has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Roberta B. Weiner has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Roberta B. Weiner applied talcum powder in the State of Massachusetts.

61. Plaintiff Michael Weiner is the husband of Roberta B. Weiner. As a result of the medical conditions developed by his wife and the medical treatment and hospitalization that she has and will endure, Plaintiff Michael Weiner lost a substantial measure of his wife's household services; and lost, and will continue to lose in the future, a substantial measure of his wife's consortium.

62. Plaintiff Elsa E. Rosales is a citizen of the City of Nyssa, State of Oregon. At all pertinent times, including from approximately 1964 until 2003, Plaintiff Elsa E. Rosales purchased and applied talcum powder in the State of Oregon. In or around August, 2008, Plaintiff Elsa E. Rosales was diagnosed with ovarian cancer, which developed in the State of Oregon. Plaintiff Elsa E. Rosales developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Elsa E. Rosales has incurred and will

incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Elsa E. Rosales has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Elsa E. Rosales applied talcum powder in the State of Oregon.

63. Plaintiff Frances Carolyn Fuller is a citizen of the City of Columbus, State of Georgia. At all pertinent times, including from approximately 1970 until 2012, Plaintiff Frances Carolyn Fuller purchased and applied talcum powder in the State of Georgia. In or around August, 2012, Plaintiff Frances Carolyn Fuller was diagnosed with ovarian cancer, which developed in the State of Georgia. Plaintiff Frances Carolyn Fuller developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Frances Carolyn Fuller has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Frances Carolyn Fuller has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Frances Carolyn Fuller applied talcum powder in the State of Georgia.

64. Plaintiff Shannon Renae Pell is a citizen of the City of Dallas, State of Georgia. At all pertinent times, including from approximately 1980 until 2012, Plaintiff Shannon Renae Pell purchased and applied talcum powder in the State of Georgia. In or around December, 2012, Plaintiff Shannon Renae Pell was diagnosed with ovarian cancer, which developed in the State of Georgia. Plaintiff Shannon Renae Pell developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Shannon Renae Pell has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and

loss of enjoyment of life, and Plaintiff Shannon Renae Pell has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Shannon Renae Pell applied talcum powder in the State of Georgia.

65. Plaintiff Erik Pell is the husband of Shannon Renae Pell. As a result of the medical conditions developed by his wife and the medical treatment and hospitalization that she has and will endure, Plaintiff Erik Pell lost a substantial measure of his wife's household services; and lost, and will continue to lose in the future, a substantial measure of his wife's consortium.

66. Plaintiff Van Walker, is an adult whose principal place of residence is the Tomball, State of Texas brings this action in his capacity as representative of the Estate of Sherri Ellen Walker. Plaintiff is pursuing this action due to the wrongfully caused premature death of Sherri Ellen Walker behalf of that decedent's estate. The premature death of Sherri Ellen Walker was the direct and proximate result of her application of talcum powder and subsequent ovarian cancer diagnosis. As a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder, and pursuant to C.R.S. §§ 13-21-201, et seq., Plaintiff seeks damages for decedent's loss of future earnings, loss of decedent's value to her estate, and other damages as allowed by law.

67. Plaintiff Brian Mehl, is an adult whose principal place of residence is the Valparaiso, State of Indiana brings this action in his capacity as representative of the Estate of Rebecca J. Mehl. Plaintiff is pursuing this action due to the wrongfully caused premature death of Rebecca J. Mehl on behalf of that decedent's estate. The premature death of Rebecca J. Mehl was the direct and proximate result of her application of talcum powder and subsequent ovarian cancer diagnosis. As a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of

talcum powder, and pursuant to C.R.S. §§ 13-21-201, et seq., Plaintiff seeks damages for decedent's loss of future earnings, loss of decedent's value to her estate, and other damages as allowed by law.

68. Plaintiff Ronald Dahly, is an adult whose principal place of residence is the Akron, State of Ohio brings this action in his capacity as representative of the Estate of Francie Rochelle Horn-Dahly. Plaintiff is pursuing this action due to the wrongfully caused premature death of Francie Rochelle Horn-Dahly on behalf of that decedent's estate. The premature death of Francie Rochelle Horn-Dahly was the direct and proximate result of her application of talcum powder and subsequent ovarian cancer diagnosis. As a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder, and pursuant to C.R.S. §§ 13-21-201, et seq., Plaintiff seeks damages for decedent's loss of future earnings, loss of decedent's value to her estate, and other damages as allowed by law.

69. Plaintiff Annette M. Koman is a citizen of the Mckees Rocks, State of Pennsylvania. At all pertinent times, including from approximately 1984 until 2007, Plaintiff Annette M. Koman purchased and applied talcum powder in the State of Pennsylvania. In or around July, 2009, Plaintiff Annette M. Koman was diagnosed with ovarian cancer, which developed in the State of Pennsylvania. Plaintiff Annette M. Koman developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Annette M. Koman has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Annette M. Koman has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Annette M. Koman applied talcum powder in the State of Pennsylvania.

70. Plaintiff Allan Koman is the husband of Annette M. Koman. As a result of the medical conditions developed by his wife and the medical treatment and hospitalization that she has and will endure, Plaintiff Allan Koman lost a substantial measure of his wife's household services; and lost, and will continue to lose in the future, a substantial measure of his wife's consortium.

71. Plaintiff Robin Lou Kantner is a citizen of the City of New Knoxville, State of Ohio. At all pertinent times, including from approximately 1970 until 1997, Plaintiff Robin Lou Kantner purchased and applied talcum powder in the State of Ohio. In or around October, 1997, Plaintiff Robin Lou Kantner was diagnosed with ovarian cancer, which developed in the State of Ohio. Plaintiff Robin Lou Kantner developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Robin Lou Kantner has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Robin Lou Kantner has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Robin Lou Kantner applied talcum powder in the State of Ohio.

72. Plaintiff Annie M. Groover is a citizen of the City of Roselle, State of New Jersey. At all pertinent times, including from approximately 1980 until 2010, Plaintiff Annie M. Groover purchased and applied talcum powder in the State of New Jersey. In or around March, 2010, Plaintiff Annie Groover was diagnosed with ovarian cancer, which developed in the State of New Jersey. Plaintiff Annie M. Groover developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Annie M. Groover has

incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Annie M. Groover has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Annie M. Groover applied talcum powder in the State of New Jersey.

73. Plaintiff Martin Maillard is the husband of Annie M. Groover. As a result of the medical conditions developed by his wife and the medical treatment and hospitalization that she has and will endure, Plaintiff Martin Maillard lost a substantial measure of his wife's household services; and lost, and will continue to lose in the future, a substantial measure of his wife's consortium.

74. Plaintiff Ramona Gonzalez is a citizen of the City of El Paso, State of Texas. At all pertinent times, including from approximately 1960 until 2006, Plaintiff Ramona Gonzalez purchased and applied talcum powder in the State of Texas. In or around January, 2006, Plaintiff Ramona Gonzalez was diagnosed with ovarian cancer, which developed in the State of Texas. Plaintiff Ramona Gonzalez developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Ramona Gonzalez has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Ramona Gonzalez has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Ramona Gonzalez applied talcum powder in the State of Texas.

75. Plaintiff Jody Leann Hayes is a citizen of the City of Elyria, State of Ohio. At all pertinent times, including from approximately 1994 until 2014, Plaintiff Jody Leann Hayes purchased and applied talcum powder in the State of Ohio. In or around October, 2014, Plaintiff Jody Leann Hayes was diagnosed with ovarian cancer, which developed in the State of Ohio. Plaintiff Jody Leann Hayes developed ovarian cancer, and suffered effects attendant thereto, as a

direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Jody Leann Hayes has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Jody Leann Hayes has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Jody Leann Hayes applied talcum powder in the State of Ohio.

76. Plaintiff Geraldine Newman is a citizen of the City of Ozark, State of Alabama. At all pertinent times, including from approximately 2007 until 2011, Plaintiff Geraldine Newman purchased and applied talcum powder in the State of Alabama. In or around October, 2011, Plaintiff Geraldine Newman was diagnosed with ovarian cancer, which developed in the State of Alabama. Plaintiff Geraldine Newman developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Geraldine Newman has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Geraldine Newman has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Geraldine Newman applied talcum powder in the State of Alabama.

77. Plaintiff Glenda North, is an adult whose principal place of residence is the Camdenton, State of Missouri brings this action in his capacity as representative of the Estate of Clora Mae Webb. Plaintiff is pursuing this action due to the wrongfully caused premature death of Clora Mae Webb on behalf of that decedent's estate. The premature death of Clora Mae Webb was the direct and proximate result of her application of talcum powder and subsequent ovarian cancer diagnosis. As a direct and proximate result of the unreasonably dangerous and defective

nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder, and pursuant to C.R.S. §§ 13-21-201, et seq., Plaintiff seeks damages for decedent's loss of future earnings, loss of decedent's value to her estate, and other damages as allowed by law.

78. Plaintiff Karen Denise Hawk is a citizen of the City of Kansas City, State of Missouri. At all pertinent times, including from approximately 1969 until 2003, Plaintiff Karen Denise Hawk purchased and applied talcum powder in the State of Missouri. In or around October, 2003, Plaintiff Karen Denise Hawk was diagnosed with ovarian cancer, which developed in the State of Missouri. Plaintiff Karen Denise Hawk developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Karen Denise Hawk has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Karen Denise Hawk has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Karen Denise Hawk applied talcum powder in the State of Missouri.

79. Plaintiff Mark E. Hawk is the husband of Karen Denise Hawk. As a result of the medical conditions developed by his wife and the medical treatment and hospitalization that she has and will endure, Plaintiff Mark E. Hawk lost a substantial measure of his wife's household services; and lost, and will continue to lose in the future, a substantial measure of his wife's consortium.

80. Plaintiff Michael Abelson, is an adult whose principal place of residence is the City of Bethesda, State of Maryland, brings this action in his capacity as representative of the Estate of Lynn C. Abelson. Plaintiff is pursuing this action due to the wrongfully caused premature death of Lynn Abelson on behalf of that decedent's estate. The premature death of

Lynn Abelson was the direct and proximate result of her application of talcum powder and subsequent ovarian cancer diagnosis. As a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder, and pursuant to C.R.S. §§ 13-21-201, et seq., Plaintiff seeks damages for decedent's loss of future earnings, loss of decedent's value to her estate, and other damages as allowed by law.

81. Plaintiff Krystal J. Kim is a citizen of the City of Westchester, State of Pennsylvania. At all pertinent times, including from approximately 1975 until 2014, Plaintiff Krystal J. Kim purchased and applied talcum powder in the States of New Jersey and Pennsylvania. In or around July, 2014, Plaintiff Krystal J. Kim was diagnosed with ovarian cancer, which developed in the State of Pennsylvania. Plaintiff Krystal J. Kim developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development, testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Krystal J. Kim has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Krystal J. Kim has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Krystal J. Kim applied talcum powder in the States of New Jersey and Pennsylvania.

82. Plaintiff Sheila D. Brooks is a citizen of the City of Anaheim, State of California. At all pertinent times, including from approximately 1995 until 2014, Plaintiff Sheila D. Brooks purchased and applied talcum powder in the State of California. In or around January, 2015, Plaintiff Sheila D. Brooks was diagnosed with ovarian cancer, which developed in the State of California. Plaintiff Sheila D. Brooks developed ovarian cancer, and suffered effects attendant thereto, as a direct and proximate result of the unreasonably dangerous and defective nature of talcum powder and Defendants' wrongful and negligent conduct in the research, development,

testing, manufacture, production, promotion, distribution, marketing, and sale of talcum powder. As a direct and proximate result of these injuries, Plaintiff Sheila D. Brooks has incurred and will incur medical expenses in the future, has endured and will endure pain and suffering and loss of enjoyment of life, and Plaintiff Sheila D. Brooks has otherwise been damaged in a personal and pecuniary nature. At all pertinent times, Plaintiff Sheila D. Brooks applied talcum powder in the State of California.

83. The Defendant, Johnson & Johnson, is a New Jersey corporation with its principal place of business in the State of New Jersey.

84. At all pertinent times, Johnson & Johnson was engaged in the business of manufacturing, marketing, testing, promoting, selling, and/or distributing the PRODUCTS. At all pertinent times, Johnson & Johnson regularly transacted, solicited, and conducted business in all States of the United States, including the State of Missouri.

85. The Defendant, Johnson & Johnson Consumer Companies, Inc. is a New Jersey corporation with its principal place of business in the State of New Jersey.

86. At all pertinent times, Johnson & Johnson Consumer Companies, Inc. was engaged in the business of manufacturing, marketing, testing, promoting, selling, and/or distributing the PRODUCTS. At all pertinent times, Johnson & Johnson regularly transacted, solicited, and conducted business in all States of the United States, including the State of Missouri.

87. The Defendant, Imerys Talc America, Inc., f/k/a Luzenac America, Inc., is a Delaware corporation with its principal place of business in the State of California.

88. At all pertinent times, Imerys Talc America, Inc., f/k/a Luzenac America, Inc., has been in the business of mining and distributing talcum powder for use in talcum powder based products, including the PRODUCTS, in all States of the United States, including the State of Missouri. Imerys Talc is the successor or continuation of Luzenac America, Inc., and Imerys Talc America, Inc. is legally responsible for all liabilities incurred when it was known as Luzenac America, Inc.

89. At all pertinent times, all Defendants were engaged in the research, development, manufacture, design, testing, sale and marketing of PRODUCTS, and introduced such products into interstate commerce with knowledge and intent that such products be sold in the States of Alabama, Arizona, Arkansas, California, Colorado, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Vermont, Washington and Wisconsin.

VENUE

90. Venue is proper in this Court because Plaintiff Gail Lucille Ingham was first exposed in the City of St. Louis, State of Missouri, as this is where, at most if not all pertinent times, she purchased, ingested, and was exposed to the product at issue. Plaintiff Gail Lucille Ingham was treated for her injuries exclusively in the City of St. Louis, State of Missouri.

ALLEGATIONS COMMON TO ALL COUNTS

91. Talc is a magnesium trisilicate and is mined from the earth. Talc is an inorganic mineral. The Defendant, Imerys Talc America, Inc., f/k/a Luzenac America, Inc., mined the talc contained in the PRODUCTS.

92. Talc is the main substance in talcum powders. The Johnson & Johnson Defendants manufactured the PRODUCTS. The PRODUCTS are composed almost entirely of talc.

93. At all pertinent times, a feasible alternative to the PRODUCTS has existed. Cornstarch is an organic carbohydrate that is quickly broken down by the body with no known health effects. Cornstarch powders have been sold and marketed for the same uses with nearly the same effectiveness.

94. Imerys Talc¹ has continually advertised and marketed talc as safe for human use.

¹All allegations regarding actions taken by Imerys Talc also include actions taken while that entity was known as Luzenac America, Inc.

95. Imerys Talc supplies customers with material safety data sheets for talc. These material safety data sheets are supposed to convey adequate health and warning information to its customers.

96. Historically, “Johnson’s Baby Powder” has been a symbol of freshness, cleanliness, and purity. During the time in question, the Johnson & Johnson Defendants advertised and marketed this product as the beacon of “freshness” and “comfort”, eliminating friction on the skin, absorbing “excess wetness” helping keep skin feeling dry and comfortable, and “clinically proven gentle and mild”. The Johnson & Johnson Defendants compelled women through advertisements to dust themselves with this product to mask odors. The bottle of “Johnson’s Baby Powder” specifically targets women by stating, “For you, use every day to help feel soft, fresh, and comfortable.”

97. During the time in question, the Johnson & Johnson Defendants advertised and marketed the product “Shower to Shower” as safe for use by women as evidenced in its slogan “A sprinkle a day keeps odor away”, and through advertisements such as “Your body perspires in more places than just under your arms. Use SHOWER to SHOWER to feel dry, fresh, and comfortable throughout the day.” And “SHOWER to SHOWER can be used all over your body.”

98. The Plaintiffs used the PRODUCTS to dust their perineum for feminine hygiene purposes. This was an intended and foreseeable use of the PRODUCTS based on the advertising, marketing, and labeling of the PRODUCTS.

99. In 1971, the first study was conducted that suggested an association between talc and ovarian cancer. This study was conducted by Dr. WJ Henderson and others in Cardiff, Wales.

100. In 1982, the first epidemiologic study was performed on talc powder use in the female genital area. This study was conducted by Dr. Daniel Cramer and others. This study found a 92% increased risk in ovarian cancer with women who reported genital talc use. Shortly after this study was published, Dr. Bruce Semple of Johnson & Johnson came and visited Dr. Cramer about his study. Dr. Cramer advised Dr. Semple that Johnson & Johnson should place a

warning on its talcum powders about the ovarian cancer risks so that women can make an informed decision about their health.

101. Since 1982, there have been approximately twenty-two (22) additional epidemiologic studies providing data regarding the association of talc and ovarian cancer. Nearly all of these studies have reported an elevated risk for ovarian cancer associated with genital talc use in women.

102. In 1993, the United States National Toxicology Program published a study on the toxicity of non-asbestiform talc and found clear evidence of carcinogenic activity. Talc was found to be a carcinogen, with or without the presence of asbestos-like fibers.

103. In response to the United States National Toxicology Program's study, the Cosmetic Toiletry and Fragrance Association (CTFA) formed the Talc Interested Party Task Force (TIPTF). Johnson & Johnson, Inc., Johnson & Johnson Consumer Companies, Inc. and Luzenac were members of the CTFA and were the primary actors and contributors of the TIPTF. The stated purpose of the TIPTF was to pool financial resources of these companies in an effort to collectively defend talc use at all costs and to prevent regulation of any type over this industry. The TIPTF hired scientists to perform biased research regarding the safety of talc, members of the TIPTF edited scientific reports of the scientists hired by this group prior the submission of these scientific reports to governmental agencies, members of the TIPTF knowingly released false information about the safety of talc to the consuming public, and used political and economic influence on regulatory bodies regarding talc. All of these activities have been well coordinated and planned by these companies and organizations over the past four (4) decades in an effort to prevent regulation of talc and to create confusion to the consuming public about the true hazards of talc relative to ovarian cancer.

104. On November 10, 1994, the Cancer Prevention Coalition mailed a letter to then Johnson & Johnson C.E.O, Ralph Larson, informing his company that studies as far back as 1960's "... show[] conclusively that the frequent use of talcum powder in the genital area pose[] a serious health risk of ovarian cancer." The letter cited a recent study by Dr. Bernard Harlow

from Harvard Medical School confirming this fact and quoted a portion of the study where Dr. Harlow and his colleagues discouraged the use of talc in the female genital area. The letter further stated that 14,000 women per year die from ovarian cancer and that this type of cancer is very difficult to detect and has a low survival rate. The letter concluded by requesting that Johnson & Johnson withdraw talc products from the market because of the alternative of cornstarch powders, or at a minimum, place warning information on its talc-based body powders about ovarian cancer risk they pose.

105. In 1996, the condom industry stopped dusting condoms with talc due to the health concerns of ovarian cancer.

106. In February of 2006, the International Association for the Research of Cancer (IARC) part of the World Health Organization published a paper whereby they classified perineal use of talc based body powder as a “Group 2B” human carcinogen. IARC which is universally accepted as the international authority on cancer issues, concluded that studies from around the world consistently found an increased risk of ovarian cancer in women from perineal use of talc. IARC found that between 16-52% of women in the world were using talc to dust their perineum and found an increased risk of ovarian cancer in women talc users ranging from 30-60%. IARC concluded with this “Evaluation”: “There is limited evidence in humans for the carcinogenicity of perineal use of talc-based body powder.” By definition “Limited evidence of carcinogenicity” means “a positive association has been observed between exposure to the agent and cancer for which a causal interpretation is considered by the Working Group to be credible, but chance, bias or confounding could not be ruled out with reasonable confidence.”

107. In approximately 2006, the Canadian government under The Hazardous Products Act and associated Controlled Products Regulations classified talc as a “D2A” , “very toxic”, “cancer causing” substance under its Workplace Hazardous Materials Information System (WHMIS). Asbestos is also classified as “D2A”.

108. In 2006, Imerys Talc began placing a warning on its Material Safety Data Sheets (MSDS) it provided to the Johnson & Johnson Defendants regarding the talc it sold to them to be

used in the PRODUCTS. These MSDSs not only provided the warning information about the IARC classifications but also including warning information regarding “States Rights to Know” and warning information about the Canadian Government’s “D2A” classification of talc as well.

109. The Defendants had a duty to know and warn about the hazards associated with the use of the PRODUCTS.

110. The Defendants failed to inform its customers and end users of the PRODUCTS of a known catastrophic health hazard associated with the use of its products.

111. In addition, the Defendants procured and disseminated false, misleading, and biased information regarding the safety of the PRODUCTS to the public and used influence over governmental and regulatory bodies regarding talc.

112. As a direct and proximate result of the Defendants’ calculated and reprehensible conduct, Plaintiffs were injured and suffered damages, namely ovarian cancer, which required surgeries and treatments.

COUNT ONE – STRICT LIABILITY FOR FAILURE TO WARN
(Imerys Talc and Johnson & Johnson Defendants)

113. Plaintiffs incorporate by reference all other paragraphs of this Complaint as if fully set forth herein.

114. At all pertinent times, Imerys Talc mined and sold talc to the Johnson & Johnson Defendants, which it knew that Johnson & Johnson was then packaging and selling to consumers as the PRODUCTS and it knew that consumers of the products were using it to powder their perineal regions.

115. At all pertinent times, the Johnson & Johnson Defendants were manufacturing, marketing, testing, promoting, selling and/or distributing the PRODUCTS in the regular course of business.

116. At all pertinent times, Plaintiffs used the PRODUCTS to powder their perineal area which is a reasonably foreseeable use.

117. At all pertinent times, all Defendants in this action knew or should have known that the use of talcum powder based products in the perineal area significantly increases the risk of ovarian cancer based upon scientific knowledge dating back to the 1960s.

118. At all pertinent times, including the time of sale and consumption, the PRODUCTS, when put to the aforementioned reasonably foreseeable use, were in an unreasonably dangerous and defective condition because they failed to contain adequate and proper warnings and/or instructions regarding the increased risk of ovarian cancer associated with the use of the PRODUCTS by women to powder their perineal area. Defendants themselves failed to properly and adequately warn and instruct Plaintiffs as to the risks and benefits of the PRODUCTS given Plaintiffs' need for this information.

119. Had the Plaintiffs received a warning that the use of the PRODUCTS would have significantly increased their risk of ovarian cancer, she would not have used the same. As a proximate result of Defendants' design, manufacture, marketing, sale, and distribution of the PRODUCTS, Plaintiffs have been injured catastrophically, and have been caused severe and permanent pain, suffering, disability, impairment, loss of enjoyment of life, loss of care, comfort, and economic damages.

120. The development of ovarian cancer by the Plaintiffs was the direct and proximate result of the unreasonably dangerous and defective condition of the PRODUCTS at the time of sale and consumption, including their lack of warnings; Plaintiffs have suffered injuries and damages including but not limited to conscious pain and suffering of Plaintiffs, medical expenses and lost wages.

121. The Defendants' products were defective because they failed to contain warnings and/or instructions, and breached express warranties and/or failed to conform to express factual representations upon which the Plaintiffs justifiably relied in electing to use the products. The defect or defects made the products unreasonably dangerous to those persons, such as Plaintiffs, who could reasonably be expected to use and rely upon such products. As a result, the defect or defects were a producing cause of the Plaintiffs' injuries and damages.

122. The Defendants' products failed to contain, and continue to this day not to contain, adequate warnings and/or instructions regarding the increased risk of ovarian cancer with the use of their products by women. The Defendants continue to market, advertise, and expressly represent to the general public that it is safe for women to use their product regardless of application. These Defendants continue with these marketing and advertising campaigns despite having scientific knowledge that dates back to the 1960's that their products increase the risk of ovarian cancer in women when used in the perineal area.

WHEREFORE, Plaintiffs pray for judgment against Imerys Talc and the Johnson & Johnson Defendants in a fair and reasonable sum in excess of \$25,000.00 together with costs expended herein and such further and other relief as the Court deems just and appropriate.

COUNT TWO – NEGLIGENCE
(Imerys Talc)

123. Plaintiffs incorporate by reference all other paragraphs of this Complaint as if fully set forth herein.

124. At all pertinent times, Defendants had a duty to exercise reasonable care to consumers, including Plaintiffs herein, in the design, development, manufacture, testing, inspection, packaging, promotion, marketing, distribution, labeling and/or sale of the PRODUCTS.

125. At all pertinent times, Imerys Talc mined and sold talc to the Johnson & Johnson Defendants, which it knew and/or should have known was then being packaged and sold to consumers as the PRODUCTS by the Johnson and Johnson Defendants. Further, Imerys Talc knew and/or should have known that consumers of the PRODUCTS were using it to powder their perineal regions.

126. At all pertinent times, Imerys Talc knew or should have known that the use of talcum powder based products in the perineal area significantly increases the risk of ovarian cancer based upon scientific knowledge dating back to the 1960s.

127. At all pertinent times, Imerys Talc knew or should have known that Johnson & Johnson was not providing warnings to consumers of the PRODUCTS of the risk of ovarian cancer posed by talc contained therein.

128. At all pertinent times. Imerys Talc was negligent in providing talc to the Johnson & Johnson Defendants, when it knew or should have known that the talc would be used in the PRODUCTS, without adequately taking steps to ensure that ultimate consumers of the PRODUCTS, including Decedent, received the information that Imerys Talc possessed on the carcinogenic properties of talc, including its risk of causing ovarian cancer.

129. As a direct and proximate result of Imerys Talc's negligence, Plaintiffs purchased and used, as aforesaid, the PRODUCTS that directly and proximately caused Plaintiffs to develop ovarian cancer; Plaintiffs were caused to incur medical bills, lost wages, and conscious pain and suffering, and/or death; Plaintiffs were caused to sustain damages as a direct and proximate result, in some cases to include untimely death, funeral and burial costs, as well as the loss of his wife's services, companionship, comfort, instruction, guidance, counsel, training and support.

WHEREFORE, Plaintiff prays for judgment against Imerys Talc in a fair and reasonable sum in excess of \$25,000.00, together with costs expended herein and such further and other relief as the Court deems just and appropriate.

COUNT THREE – NEGLIGENCE
(Johnson & Johnson Defendants)

130. Plaintiffs incorporate by reference all other paragraphs of this Complaint as if fully set forth herein.

131. The Johnson & Johnson Defendants were negligent in marketing, designing, manufacturing, producing, supplying, inspecting, testing, selling and/or distributing the PRODUCTS in one or more of the following respects:

- In failing to warn Plaintiffs of the hazards associated with the use of the PRODUCTS;
- In failing to properly test their products to determine adequacy and effectiveness or safety measures, if any prior to releasing the PRODUCTS for consumer use;
- In failing to properly test their products to determine the increased risk of ovarian cancer during the normal and/or intended use of the PRODUCTS;
- In failing to inform ultimate users, such as Plaintiffs as to the safe and proper methods of handling and using the PRODUCTS;
- In failing to remove the PRODUCTS from the market when the Defendants knew or should have known the PRODUCTS were defective;
- In failing to instruct the ultimate users, such as Plaintiffs, as to the methods for reducing the type of exposure to the PRODUCTS which caused increased risk of ovarian cancer;
- In failing to inform the public in general and the Plaintiffs in particular of the known dangers of using the PRODUCTS for dusting the perineum;
- In failing to advise users how to prevent or reduce exposure that caused increased risk for ovarian cancer;
- In marketing and labeling the PRODUCTS as safe for all uses despite knowledge to the contrary;

- In failing to act like a reasonably prudent company under similar circumstances.

Each and all of these acts and omissions, taken singularly or in combination, were a proximate cause of the injuries and damages sustained by Plaintiffs.

132. At all pertinent times, the Johnson & Johnson Defendants knew or should have known that the PRODUCTS were unreasonably dangerous and defective when put to their reasonably anticipated use.

133. As a direct and proximate result of the Johnson & Johnson Defendants' negligence in one or more of the aforementioned ways, Plaintiffs purchased and used, as aforesaid, the PRODUCTS that directly and proximately caused each Plaintiff to develop ovarian cancer; Plaintiffs were caused to incur medical bills, lost wages, and conscious pain and suffering.

WHEREFORE, Plaintiffs pray for judgment against the Johnson & Johnson Defendants in the fair and reasonable sum in excess of \$25,000.00, together with costs expended herein and such further and other relief as the Court deems just and appropriate.

COUNT FOUR – BREACH OF EXPRESS WARRANTY
(Johnson & Johnson Defendants)

134. Plaintiffs incorporate by reference all other paragraphs of this Complaint as if fully set forth herein.

135. Johnson & Johnson Defendants expressly warranted, through direct-to-consumer marketing, advertisements, and labels, that the PRODUCTS were safe and effective for reasonably anticipated uses, including use by women in the perineal area.

136. The PRODUCTS did not conform to these express representations because they cause serious injury when used by women in the perineal area in the form of ovarian cancer.

137. As a direct and proximate result of the Defendants' breach of warranty, Plaintiffs purchased and used, as aforesaid, the PRODUCTS that directly and proximately caused each

Plaintiff to develop ovarian cancer; Plaintiffs were caused to incur medical bills, lost wages, and conscious pain and suffering.

WHEREFORE, Plaintiffs pray for judgment against the Johnson & Johnson Defendants in the fair and reasonable sum in excess of \$25,000.00, together with costs expended herein and such further and other relief as the Court deems just and appropriate.

COUNT FIVE – BREACH OF IMPLIED WARRANTIES
(Johnson & Johnson Defendants)

138. Plaintiffs incorporate by reference all other paragraphs of this Complaint as if fully set forth herein.

139. At the time the Defendants manufactured, marketed, labeled, promoted, distributed and/or sold the PRODUCTS, the Johnson & Johnson Defendants knew of the uses for which the PRODUCTS were intended, including use by women in the perineal area, and impliedly warranted the PRODUCTS to be of merchantable quality and safe for such use.

140. Defendants breached their implied warranties of the PRODUCTS sold to Plaintiffs because they were not fit for their common, ordinary and intended uses, including use by women in the perineal area.

141. As a direct, foreseeable and proximate result of the Defendants' breaches of implied warranties, Plaintiffs purchased and used, as aforesaid, the PRODUCTS that directly and proximately caused each Plaintiff to develop ovarian cancer; Plaintiffs were caused to incur medical bills, lost wages, and conscious pain and suffering.

WHEREFORE, Plaintiffs pray for judgment against the Johnson & Johnson Defendants in the fair and reasonable sum in excess of \$25,000.00, together with costs expended herein and such further and other relief as the Court deems just and appropriate.

COUNT SIX – CIVIL CONSPIRACY
(All Defendants)

142. Plaintiffs incorporate by reference all other paragraphs of this Complaint as if fully set forth herein.

143. Defendants and/or their predecessors-in-interest knowingly agreed, contrived, combined, confederated and conspired among themselves to cause Plaintiffs' injuries, disease, and/or illnesses by exposing the Plaintiffs to harmful and dangerous PRODUCTS. Defendants further knowingly agreed, contrived, confederated and conspired to deprive the Decedent and Plaintiff of the opportunity of informed free choice as to whether to use the PRODUCTS or to expose her to said dangers. Defendants committed the above described wrongs by willfully misrepresenting and suppressing the truth as to the risks and dangers associated with the use of and exposure to the PRODUCTS.

144. In furtherance of said conspiracies, Defendants performed the following overt acts:

- a. For many decades, Defendants, individually, jointly, and in conspiracy with each other, have been in possession of medical and scientific data, literature and test reports which clearly indicated that use of their by women resulting from ordinary and foreseeable use of the PRODUCTS were unreasonably dangerous, hazardous, deleterious to human health, carcinogenic, and potentially deadly;
- b. Despite the medical and scientific data, literature, and test reports possessed by and available to Defendants, Defendants individually, jointly, and in conspiracy with each other, fraudulently, willfully and maliciously:
 - i. Withheld, concealed and suppressed said medical information regarding the increased risk of ovarian cancer from Plaintiff and Decedent (as set out in the "Facts" section of this pleading); In addition, on July 27, 2005 Defendants as part of the TIPTF corresponded and agreed to edit and delete portions of scientific papers being submitted on their behalf to the United States Toxicology Program in an attempt to prevent talc from being classified as a carcinogen;
 - ii. The Defendants through the TIPTF instituted a "defense strategy" to defend talc at all costs. Admittedly, the Defendants through the TIPTF used their influence over the NTP Subcommittee, and the threat of litigation against the NTP to prevent the NTP from classifying talc as a carcinogen on its 10th RoC. According to the Defendants, ". . . we believe these strategies paid off";
 - iii. Caused to be released, published and disseminated medical and scientific data, literature, and test reports containing information and

statements regarding the risks of ovarian cancer which Defendants knew were incorrect, incomplete, outdated, and misleading. Specifically, the Defendants through the TIPTF collectively agreed to release false information to the public regarding the safety of talc on July 1, 1992; July 8, 1992; and November 17, 1994. In a letter dated September 17, 1997, the Defendants were criticized by their own Toxicologist consultant for releasing this false information to the public, yet nothing was done by the Defendants to correct or redact this public release of knowingly false information.

- b. By these false and representations, omissions, and concealments, Defendants intended to induce the Plaintiffs to rely upon said false and fraudulent representations, omissions and concealments, and to continue to expose herself to the dangers inherent in the use of and exposure to the PRODUCTS.

145. Plaintiffs reasonably and in good faith relied upon the aforementioned fraudulent representations, omissions, and concealments made by Defendants regarding the nature of the PRODUCTS.

146. As a direct, foreseeable and proximate result of the Defendants' breaches of implied warranties, Plaintiffs purchased and used, as aforesaid, the PRODUCTS that directly and proximately caused each Plaintiff to develop ovarian cancer; Plaintiffs were caused to incur medical bills, lost wages, and conscious pain and suffering.

WHEREFORE, Plaintiffs pray for judgment against a Defendants in the fair and reasonable sum in excess of \$25,000.00, together with costs expended herein and such further and other relief as the Court deems just and appropriate.

COUNT SEVEN – CONCERT OF ACTION
(All Defendants)

147. Plaintiffs incorporate by reference all other paragraphs of this Complaint as if fully set forth herein.

148. At all times, Imerys Talc and the Johnson & Johnson Defendants knew that the PRODUCTS should contain warnings on the risk of ovarian cancer posed by women using the product to powder the perineal region, but purposefully sought to suppress such information and

omit from talc based products so as not to negatively affect sales and maintain the profits of the Johnson & Johnson Defendants and Imerys Talc.

149. As a direct, foreseeable and proximate result of the Defendants' breaches of implied warranties, Plaintiffs purchased and used, as aforesaid, the PRODUCTS that directly and proximately caused each Plaintiff to develop ovarian cancer; Plaintiffs were caused to incur medical bills, lost wages, and conscious pain and suffering.

WHEREFORE, Plaintiffs pray for judgment against all Defendants in the fair and reasonable sum in excess of \$25,000.00, together with costs expended herein and such further and other relief as the Court deems just and appropriate.

COUNT EIGHT– PUNITIVE DAMAGES
(All Defendants)

150. Plaintiffs incorporate by reference all other paragraphs of this Complaint as if fully set forth herein.

151. The Defendants have acted willfully, wantonly, with an evil motive, and recklessly in one or more of the following ways:

- a. Defendants knew of the unreasonably high risk of ovarian cancer posed by the PRODUCTS before manufacturing, marketing, distributing and/or selling the PRODUCTS, yet purposefully proceeded with such action;
- b. Despite their knowledge of the high risk of ovarian cancer associated with the PRODUCTS, Defendants affirmatively minimized this risk through marketing and promotional efforts and product labeling.
- c. Through PRODUCTS, yet purposefully proceeded with such action; to the safety of users of the PRODUCTS, including Plaintiffs. Defendants' conduct, as described herein, knowing the dangers and risks of the PRODUCTS, yet concealing and/or omitting this information, in furtherance of their conspiracy and concerted action was outrageous because of Defendants' evil motive or a reckless indifference to the safety of users of the PRODUCTS.

152. As a direct and proximate result of the willful, wanton, evilly motivated and/or reckless conduct of the Defendants, the Plaintiffs have sustained damages as set forth above.

WHEREFORE, Plaintiff prays for a judgment for punitive damages against all Defendants in a fair and reasonable amount sufficient to punish Defendants and deter them and

others from engaging in similar conduct in the future, costs expended herein, and such further and other relief as the Court deems just and appropriate.

COUNT NINE– NEGLIGENT MISREPRESENTATION
(All Defendants)

153. Plaintiffs incorporate by reference all other paragraphs of this Complaint as if fully set forth herein.

154. Defendants had a duty to accurately and truthfully represent to the medical and healthcare community, Plaintiffs and the public, that the PRODUCTS had been tested and found to be safe and effective for use in the perineal area. The representations made by Defendants, in fact, were false.

155. Defendants failed to exercise ordinary care in the representations concerning the PRODUCTS while they were involved in their manufacture, sale, testing, quality assurance, quality control, and distribution in interstate commerce, because Defendants negligently misrepresented the PRODUCTS' high risk of unreasonable, dangerous, adverse side effects.

156. Defendants breached their duty in representing that the PRODUCTS have no serious side effects.

157. As a foreseeable, direct and proximate result of the negligent misrepresentation of Defendants as set forth herein, Defendants knew, and had reason to know, that the PRODUCTS had been insufficiently tested, or had not been tested at all, and that they lacked adequate and accurate warnings, and that it created a high risk, and/or higher than acceptable risk, and/or higher than reported and represented risk, of adverse side effects.

158. As a proximate result of Defendants' conduct, Plaintiffs have been injured and sustained severe and permanent pain, suffering, disability, impairment, loss of enjoyment of life, loss of care and comfort, and economic damages.

WHEREFORE, Plaintiffs demand judgment against Defendants, and each of them individually, jointly, severally and in the alternative, requests compensatory damages, punitive damages, together with interest, costs of suit, attorneys' fees, and such further relief as the Court deems equitable and just.

TOLLING STATUTE OF LIMITATIONS

159. Plaintiffs incorporate by reference all other paragraphs of this Complaint as if fully set forth herein.

160. Plaintiffs have suffered an illness that has a latency period and does not arise until many years after exposure. Plaintiffs' illness did not distinctly manifest itself until she was made aware that her ovarian cancer could be caused by her use of the Defendants' products. Consequently, the discovery rule applies to this case and the statute of limitations has been tolled until the day that Plaintiffs knew or had reason to know that her ovarian cancer was linked to her use of the Defendants' products.

161. Furthermore, the running of any statute of limitations has been equitably tolled by reason of Defendants' fraudulent concealment and conduct. Through their affirmative misrepresentations and omissions, Defendants actively concealed from Plaintiffs the true risks associated with PRODUCTS.

162. As a result of Defendants' actions, Plaintiffs were unaware, and could not reasonably know or have learned through reasonable diligence that Plaintiffs had been exposed to the risks alleged herein and that those risks were the direct and proximate result of Defendants' acts and omissions.

163. Furthermore, Defendants are estopped from relying on any statute of limitations because of their concealment of the truth, quality and nature of PRODUCTS. Defendants were under a duty to disclose the true character, quality and nature of PRODUCTS because this was non-public information which the Defendants had and continue to have exclusive control, and because the Defendants knew that this information was not available to Plaintiffs, their medical providers and/or their health facilities.

164. Defendants had the ability to and did spend enormous amounts of money in furtherance of their purpose of marketing and promoting a profitable drug, notwithstanding the known or reasonably known risks. Plaintiffs and medical professionals could not have afforded and could not have possibly conducted studies to determine the nature, extent and identity of related health risks, and were forced to rely on Defendants' representations.

Dated: May 5, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was served by e-filing through the Missouri Electronic Filing System, and/or by United States Mail, postage prepaid, this 5th day of May, 2016.

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