

FILEDOCT 24 2018
OCT 24 2018
THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT**BEFORE THE UNITED STATES JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION****FILED**

OCT 24 2018

In re: Valsartan NDMA Contamination
Litigation

MDL No. 88

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT**PLAINTIFF ROBERT KRUK'S MOTION TO TRANSFER ACTIONS
TO THE DISTRICT OF NEW JERSEY PURSUANT TO 28 U.S.C. § 1407
FOR COORDINATED OR CONSOLIDATED PRETRIAL PROCEEDINGS**

Movant, Robert Kruk, the plaintiff in *Kruk v. Zhejiang Huahai Pharmaceutical Co. et al.*, No. 18-cv-005944 (N.D. Ill.), hereby moves for transfer pursuant to 28 U.S.C. § 1407 and entry of an order transferring the actions listed below and in the accompanying Schedule of Actions (collectively, the "Scheduled Actions") to the United States District Court for the District of New Jersey for consolidated or coordinated pretrial proceedings. As stated below and in the accompanying memorandum, the eleven Scheduled Actions share a high degree of commonalty, such that transfer and consolidation is necessary to avoid inconsistent pretrial rulings, duplicative discovery obligations, inconsistent or overlapping class certification rulings, and promote the just and efficient conduct of this litigation. In support of this Motion, Movant states as follows:

1. The Movant is the named plaintiff in *Kruk v. Zhejiang Huahai Pharmaceutical Co. et al.*, No. 18-cv-005944 (N.D. Ill.), one of the Scheduled Actions.
2. All of the Scheduled Actions arise out of a common factual core—the defendant manufacturers, distributors, marketers and retailers of the drug Valsartan defectively manufactured, deceptively marketed, and sold a dangerous drug contaminated with a known carcinogen.
3. The Scheduled Actions include ten putative class actions, five of which are already pending in the District of New Jersey, and one individual action.

a. Putative Class Actions.

Borkowski v. Princeton Pharmaceutical Inc. et al., No. 18-cv-01150 (W.D.N.Y.)

Duffy v. Solco Healthcare U.S., LLC, et al., No. 18-cv-15076 (D.N.J.)
(transferred from S.D.N.Y., No. 18-cv-07460)

Erwin v. Princeton Pharmaceutical Inc., et al., No. 18-cv-13447 (D.N.J.)

Gonteski v. Huahai U.S., Inc., et al., No. 18-cv-14858 (D.N.J.)

Jones v. Zhejiang Huahai Pharmaceutical Co. et al., No. 18-cv-01525 (E.D. Mo.)

Judson v. Princeton Pharmaceutical Inc., et al., No. 18-cv-01405 (E.D. Cal.)

Kruk v. Zhejiang Huahai Pharmaceutical Co. et al., No. 18-cv-005944 (N.D. Ill.)

Lewis v. Zhejiang Huahai Pharmaceutical Co. et al., No. 18-cv-00247 (E.D. Tenn.)

O'Neill v. Solco Healthcare U.S. Inc., et al., No. 18-cv-14840 (D.N.J.)

Stimma v. Torrent Pharma Inc., et al., No. 18-cv-14318 (D.N.J.)

b. Individual action.

Gentry v. Solco Healthcare U.S., LLC, et al., No. 18-cv-04214 (W.D. Mo.)

4. Movant is not aware of any other related actions pending in any federal court.

5. Movant proposes that all eleven Scheduled Actions identified above and in the attached Schedule of Actions, in addition to any other subsequently-filed related actions, be transferred to Judge Freda L. Wolfson of the U.S. District Court for the District of New Jersey for coordinated and consolidated pretrial proceedings.

6. Centralization of these Scheduled Actions in a single judicial district for consolidated pretrial proceedings will promote the just and efficient conduct of these Scheduled Actions, will serve the conveniences of all parties and witnesses, and will promote the interests of justice. Each Scheduled Action arises from the same or substantially similar set of facts involving the manufacture, distribution, marketing and sale of Valsartan.

7. Transfer of the Scheduled Actions to a single court for consolidated pretrial proceedings will conserve judicial resources, reduce litigation costs, prevent potentially inconsistent pretrial rulings, and permit the cases to proceed to trial more efficiently. Further, because discovery in each of the Scheduled Actions will involve many of the same witnesses and document production, transfer and consolidation would also avoid duplicative discovery to the benefit of plaintiffs and defendants.

8. Transfer of the Scheduled Actions is most appropriate to the Honorable Freda L. Wolfson, United States District Judge for the District of New Jersey, because the majority of the Scheduled Actions are already pending in the District of New Jersey and the overwhelming majority of defendants named in the Scheduled Actions are based in New Jersey. Judge Wolfson currently presides over four of the Scheduled Actions pending in the District of New Jersey.

9. This Motion is supported by the accompanying brief in support filed concurrently herewith, as well as any other materials or oral argument that may be presented to the Panel before or at the time of any hearing on this matter.

WHEREFORE, Movant, plaintiff in the *Kruk v. Zhejiang Huahai* action, respectfully requests that the cases listed in the contemporaneously-filed Schedule of Actions, and all other subsequently-filed related actions, be transferred and consolidated before Judge Freda L. Wolfson of the District of Illinois.

Dated: October 22, 2018

Respectfully Submitted,

By: /s/ Paul T. Geske
One of Movant's Attorneys

Myles McGuire
Paul Geske
MCGUIRE LAW P.C.
55 West Wacker Drive, Suite 900
Chicago, Illinois 60601

mmcguire@mcgpc.com
pgeske@mcgpc.com
Tel. 312.893.2490

Scott Morgan
MORGAN LAW FIRM, LTD.
55 West Wacker Drive, Suite 900
Chicago, Illinois 60601
smorgan@smorgan-law.com
Tel. 312.327.3368

John Sawin
SAWIN LAW FIRM, LTD.
55 West Wacker Drive, Suite 900
Chicago, Illinois 60601
jsawin@sawinlawyers.com
Tel. 312.853.2490

Counsel for Plaintiff Robert Kruk

**BEFORE THE UNITED STATES JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

In re: Valsartan NDMA Contamination
Litigation

)
)
)
)

MDL No. 88

**PLAINTIFF ROBERT KRUK'S BRIEF IN SUPPORT OF MOTION TO TRANSFER
ACTIONS TO THE DISTRICT OF NEW JERSEY PURSUANT TO 28 U.S.C. § 1407
FOR COORDINATED OR CONSOLIDATED PRETRIAL PROCEEDINGS**

Movant, Robert Kruk, plaintiff in the action *Kruk v. Zhejiang Huahai Pharmaceutical Co. et al.*, No. 18-cv-005944 (N.D. Ill.), hereby submits this Brief in support of his Motion to Transfer Actions to the District of New Jersey Pursuant to 28 U.S.C. § 1407 for Coordinated or Consolidated Pretrial Proceedings. Movant hereby seeks to transfer all 11 actions listed in the Schedule of Actions filed concurrently herewith to the Federal District Court for the District of New Jersey for coordinated consolidated pretrial purposes.

For the convenience of the parties and witnesses, to streamline discovery, to prevent certification of overlapping classes and inconsistent class certification rulings, and to promote the just and efficient pretrial conduct of these cases, the 11 Scheduled Actions, and all other subsequently-filed related actions, should be transferred to a single court for coordination or consolidated pre-trial proceedings. The District of New Jersey has a strong nexus to the conduct at issue, is convenient for parties, witnesses, and counsel, and is capable of handling multi-district litigation. Accordingly, Movant respectfully requests that the Scheduled Actions be transferred to Judge Freda L. Wolfson of the District of New Jersey.

BACKGROUND

On August 29, 2018, Movant filed a class action suit against Zhejiang Huahai Pharmaceuticals Co., Ltd., Princeton Pharmaceutical, Inc., Solco Healthcare U.S., LLC, Huahai US

Inc., and Wal-Mart Stores, Inc. in the Northern District of Illinois, asserting claims for (i) violations of the Illinois Consumer Fraud and Deceptive Business Practices Act, (ii) strict products liability, (iii) failure to warn, (iv) breach of contract, (v) breach of implied warranty of merchantability, (vi) unjust enrichment, (vii) fraudulent concealment, (viii) conversion, (ix) negligence, and (x) gross negligence. *Kruk*, No. 18-cv-005944 (N.D. Ill. Aug. 29, 2018). The *Kruk* action is pending before Judge Harry D. Leinenweber in the Northern District of Illinois.

Movant's class action arises out of his purchase of the generic drug Valsartan, which has been revealed to contain a carcinogenic chemical. In addition to Movant's class action complaint, nine other class action complaints have been filed against Valsartan manufacturers, distributors, and marketers in federal courts nationwide.

The Valsartan Recall

Valsartan is a generic prescription drug mainly used to treat hypertension, high blood pressure, congestive heart failure, and to prevent heart attacks. It was originally marketed and sold under the brand name Diovan.

On July 13, 2018, the U.S. Food & Drug Administration ("FDA") announced a voluntary recall ("the Recall") of several brands of Valsartan-containing generic medications. The Recall was due to the presence of an organic chemical known as *N*-nitrosodimethylamine ("NDMA") in the recalled products. The United States Environmental Protection Agency classifies NDMA as a probable human carcinogen, and NDMA is also listed as a "priority toxic pollutant" in federal regulations. *See* 40 CFR § 131.36. NDMA is not currently produced in pure form or used commercially in the United States, and was formerly used in the production of, among other things, liquid rocket fuel. According to the EPA, in animal studies of various species including rats and

mice, exposure to NDMA has caused tumors of the liver, respiratory tract, kidney, and blood vessels. The Recall was expanded to additional Valsartan products on July 27, 2018.

The Source: Zhejiang Huahai Pharmaceuticals Co., Ltd.

Zhejiang Huahai Pharmaceuticals Co., Ltd. (“Zhejiang”) is a Chinese drug manufacturer, and has served as a contract Valsartan manufacturer for numerous American drug distributors, including its American subsidiaries. The Recall traced the presence of NDMA in American Valsartan products back to Zhejiang’s manufacturing facilities, which have had numerous quality-control issues with the FDA dating back to at least 2007. Other regulators have agreed with the FDA—a recent inspection of Zhejiang valsartan manufacturing facilities by European Union found that Zhejiang failed to comply with Good Manufacturing Practice, an international standard designed to minimize the risks involved with pharmaceutical production.¹

Pending Valsartan Litigation

In addition to Movant’s class action, there are nine other class actions and one individual action pending in District Courts across the country, for a total of eleven cases. Five of the eleven actions are pending in the District of New Jersey. Each of the Scheduled Actions assert claims stemming from the purchase of NDMA-contaminated Valsartan under breach of warranty theories, common law fraud, and state consumer protection laws where available. Additionally, several of the actions, including Movant’s, bring product liability claims against certain domestic and international Valsartan manufacturers.

¹ See EUROPEAN MEDICINES AGENCY, *EU Inspection Finds Zhejiang Huahai Site Non-Compliant for Manufacture of Valsartan* (Sept. 28, 2018), <https://www.ema.europa.eu/en/news/eu-inspection-finds-zhejiang-huahai-site-non-compliant-manufacture-valsartan-ema-national>.

More Claims Anticipated

Significantly, these filed cases represent only a small sample of the cases that will eventually be filed, as the Recall and other government investigations of the scope of NDMA contamination are still in their infancy. For example, regulators have only recently begun investigating other Chinese Valsartan manufacturers.² It is reasonable to expect that more cases will be filed as the public becomes increasingly aware that a generic drug meant to treat heart disease—the leading cause of death for Americans³—has been contaminated with a carcinogen, possibly for years.

ARGUMENT

The eleven actions that comprise the Scheduled Actions under this Panel's consideration seek to hold defendant Valsartan manufacturers, distributors, marketers, and retailers liable for producing, distributing, and selling defective, NDMA-contaminated Valsartan drugs to consumers nationwide. Even though “there are relatively few parties and actions at present, efficiencies can be gained from having these actions proceed in a single district”—the District of New Jersey. *In re First Nat'l Collection Bureau, Inc., Tel. Consumer Protection Act (TCPA) Litig.*, 11 F. Supp. 3d 1353, 1354 (J.P.M.L. 2014).

I. The Eleven Scheduled Actions Should Be Transferred And Consolidated.

Section 1407 of the United States Code provides: “When civil actions involving one or more common questions of fact are pending in different districts, such actions may be transferred to any district for coordinated or consolidated pretrial proceedings.” 28 U.S.C. § 1407(a). The

² See EUROPEAN MEDICINES AGENCY, *Update on Medicines Containing Valsartan from Zhejiang Tianyu: Company No Longer Authorized to Manufacture Valsartan Active Substance for EU Medicines Due to Presence of NDMA* (Aug. 2, 2018), <https://www.ema.europa.eu/news/update-medicines-containing-valsartan-zhejiang-tianyu-company-no-longer-authorized-manufacture>.

³ CTRS. FOR DISEASE CONTROL AND PREVENTION, *Heart Disease Facts*, <https://www.cdc.gov/heartdisease/facts.htm> (last visited Oct. 21, 2018).

presence of common factual questions often necessitates transfer under § 1407 in order to prevent duplication of discovery and the possibility of inconsistent pretrial rulings. *In re Eastern Airlines, Inc. Flight Attendant Weight Program Litig.*, 391 F. Supp. 763, 764 (J.P.M.L. 1975); *Manual for Complex Litigation, Fourth* § 20.131 (2004) (Section 1407's objectives are served if transfer and consolidation would "eliminate duplication in discovery, avoid conflicting rulings and schedules, reduce litigation costs, and save the time and effort of the parties, the attorneys, the witnesses, and the courts."). Transfer under § 1407 does not require complete identity or even majority of common factual or legal issues as a prerequisite to transfer. *In re Rembrandt Techs., L.P.*, 493 F. Supp. 2d 1367, 1369 (J.P.M.L. 2007); *In re Phenylpropanolamine (PPA) Prods. Liab. Litig.*, 173 F. Supp. 2d 1377, 1379 (J.P.M.L. 2001).

A. The Claims In Each Scheduled Action Involve Common Questions Of Law And Fact Concerning The Manufacture, Distribution, And Sale Of The Same Allegedly Defective Drug.

Each Scheduled Action arises from a common factual core: the plaintiff purchased Valsartan, only to discover after the Recall that the purchased Valsartan was contaminated by NDMA, a dangerous carcinogen. Thus, each action depends on establishing on the fact that the purchased Valsartan was in fact contaminated by NDMA. The majority of the Actions name either Huahai US, Inc., Princeton Pharmaceutical, Inc. and Solco Healthcare U.S., LLC, Zhejiang's American subsidiaries, as defendants, but the Actions vary slightly in terms of other named Valsartan manufacturers, distributor defendants, and retailer defendants. However, each Action names at least one New Jersey-based defendant.

Additionally, while the plaintiffs in each of the class actions assert claims for breach of warranty, fraudulent concealment, and negligence, some of the class actions bring additional

product liability claims. The individual action, *Gentry v. Solco Healthcare U.S., LLC*, brings unique claims for loss of consortium.

However, such variance does not weigh against transfer, as the presence of differing facts or “differing legal theories is not significant when the actions still arise from a common factual core.” *In re Blue Cross Blue Shield Antitrust Litigation*, 908 F. Supp. 2d 1373, 1376 (J.P.M.L. 2012); *In re Ford Motor Co. Speed Control Deactivation Switch Prods. Liability Litig.*, 398 F. Supp. 2d 1365, 1366 (J.P.M.L. 2005); *see also Convergent Tel. Consumer Prot. Act Litig.*, 981 F. Supp. 2d at 1387 (citing *In re: Satyam Computer Servs., Ltd., Sec. Litig.*, 712 Supp. 2d 1381, 1382 (J.P.M.L. 2010)).

Here, the questions common to all suits arise from the same alleged Valsartan manufacturing defects. The common questions include:

- 1) Whether the Valsartan drugs sold by the defendants were in fact contaminated with NDMA;
- 2) Whether the defendants knew or should have known that their Valsartan drugs were contaminated with NDMA prior to the Recall;
- 3) Whether defendants’ conduct constitutes a breach of any warranty or warranties recognized by law;
- 4) Whether plaintiffs are entitled to recover damages from defendants, including compensatory damages and/or punitive or exemplary damages;
- 5) If damages are available to plaintiffs, the method or methods by which such relief should be determined.

Coordination is therefore appropriate and necessary given the significant number of common questions of law and fact present in this potential litigation. This necessity is particularly clear because all actions rely on allegations that plaintiffs purchased the same contaminated, defective drug. Even though each of the Scheduled Actions may have some individualized aspects, whether that be a unique defendant or unique claim, “[d]iscovery with respect to any case-specific issues

can also proceed concurrently with discovery on common issues,” such as the circumstances surrounding the Recall and the common issues listed above. *In re Ford Motor Co. Speed Control Deactivation Switch Prods. Liability Litig.*, 398 F. Supp. 2d at 366. Typically, the Panel does not need to determine the exact manner or extent of coordination, leaving that determination to the transferee court. *In re Pre-filled Propane Tank Antitrust Litig.*, 53 F. Supp. 3d 1383, 1383 (J.P.M.L. 2014).

Regardless of the presence of minor differences, the Scheduled Actions should be consolidated due to the overlapping classes pled in the putative class actions. Each of the class actions seeks to represent essentially the same class: a nationwide class of individuals who purchased Valsartan. Coordination is thus necessary to prevent inconsistent rulings on competing class definitions. The fact that the class definitions are roughly identical points to the centrality of the key factual issue present in each Action: the putative class members purchased Valsartan prior to realizing, as a result of an FDA investigation, that Valsartan was contaminated with NDMA.0

As the Panel has repeatedly held: “In many situations, we are hesitant to bring together actions involving separate defendants and products, but where, as here, the actions stem from the same government investigation and there is significant overlap in the central factual issues, parties, and claims, we find that creation of a single MDL is warranted.” *In re Walgreens Herbal Supplements Mktg. & Sales Practices Litig.*, 109 F. Supp. 3d 1373, 1375 (J.P.M.L. 2015). The Scheduled Actions all arise from the FDA’s investigation of Valsartan manufacturing practices, which culminated in the Recall. Thus, the Actions, even the individual action, stem from the same government investigation such that their central factual issues overlap. Therefore, the Actions should be consolidated.

B. Consolidation Serves The Best Economic And Equitable Interests Of The Parties, Counsel, And Judiciary.

Here, coordination serves the best interests of the parties, parties' counsel, and the judiciary by conserving economic resources and equitably preventing inconsistent rulings. Unless the plaintiffs' claims are centralized and coordinated, the parties and courts will be forced to spend a great deal of time and effort replicating actions for pretrial discovery matters. Furthermore, the parties may be prejudiced by various courts entering contradictory orders ruling on discovery and evidentiary issues common to all claims. Such disparate rulings will lead to more litigation and, ultimately, to incongruous results and inconsistent precedent. In contrast, coordination avoids the pitfalls of piecemeal litigation by resolving disputes related to common issues in one singular ruling. *In re StarLink Corn Products Liability Lit.*, 152 F.Supp.2d 1378, 1380 (J.P.M.L. 2001).

Centralized pretrial proceedings work to conserve the time, effort, and financial resources of the judiciary and the parties, while simultaneously eliminating the possibility of inconsistent rulings from sister courts in parallel proceedings that might impair the equitable and orderly administration of justice. *See, e.g., In re Pradaxa (Dabigatran Etexilate) Prods. Liab. Litig.*, 883 F. Supp. 2d 1355, 1356 (J.P.M.L. 2012) ("Centralization will eliminate duplicative discovery; prevent inconsistent pretrial rulings; and conserve the resources of the parties, their counsel and the judiciary."); *In re DePuy Orthopaedics, Inc.*, 753 F. Supp. 2d 1378, 1379 (J.P.M.L. 2010) ("Centralization under Section 1407 will eliminate duplicate discovery, prevent inconsistent trial rulings on discovery and other issues, and conserve the resources of the parties, their counsel and the judiciary.").

Moreover, in litigation bearing both common and unique issues of fact, it is important that the actions be allowed to go forward before a single judge who can establish a pretrial plan under which pretrial proceedings with respect to any non-common issues proceed concurrently with

pretrial proceedings on common issues. *In re Smith Patent Litig.*, 407 F. Supp. 1403, 1404 (J.P.M.L. 1976). *See also In re Nexium (Esomeprazole) Prods. Liab. Litig.*, 908 F. Supp. 2d 1362, 1363 (J.P.M.L. 2012) (stating that “[t]he transferee court can employ any number of pretrial techniques – such as establishing separate discovery and/or motion tracks” to manage individual questions of fact). In addition, if the actions are not centralized in one location, counsel for all parties will be forced to litigate actions in several different courts concurrently, and scheduling conflicts will likely result. Finally, it is essential to ensure that all parties have access to the same essential documents without concerns over duplication of costs and effort or inconsistencies in document production.

Each of the scheduled Actions will necessarily require investigation of Valsartan manufacturing processes, the breadth and scale of NDMA contamination, and the effects thereof. Additionally, plaintiffs in each of the scheduled Actions will predictably seek information on when and how defendants learned or became aware of any contamination. It is also likely that each case will involve at least some contested discovery issues. Thus, there is a clear danger of inconsistent discovery rulings absent consolidation.

C. Transfer And Consolidation Will Not Burden Or Prejudice Any Of The Parties To The Scheduled Actions.

All of the Scheduled Actions remain essentially at the starting line. Each case is at the exact same litigation stage, as none of the class action complaints have been answered. Only one defendant, the Harvard Drug Group, LLC, has filed an answer in the *Gentry* individual action. Transfer and consolidation now, before any dispositive motions are filed or the discovery process begins, is essential to prevent inconsistent rulings.

In fact, the most noteworthy activity thus far is that defendants have already successfully transferred at least one case, *Duffy v. Solco Healthcare U.S., LLC, et al.*, from the Southern District

of New York to the District of New Jersey, and have sought to transfer Movant's action to the District of New Jersey as well. Because each case is in such an early stage, significant time and effort can be conserved by conducting centralized discovery under one judge.

II. The Proper Transferee Forum For These Cases Is The United States District Court For The District Of New Jersey.

The criteria used by the Judicial Panel on Multidistrict Litigation in determining the most appropriate transferee forum under 28 U.S.C. § 1407 include: the convenience of the parties and witnesses; the relative degree of progress achieved in pending actions; the location of parties, witnesses, and documents; the likelihood that a given district's location would enhance the prospects for cooperation among the federal and state courts; and, when no clear choice emerges from these factors, the preference of the majority of the parties. *In re Factor VIII or IX Concentrate Blood Prods. Liab. Litig.*, 853 F. Supp. 454, 455 (J.P.M.L. 1993); *In re New Mexico Natural Gas Antitrust Litig.*, 482 F. Supp. 333, 337 (J.P.M.L. 1979). For example, in the phenylpropanolamine (PPA) MDL, the Panel selected a transferee court based in part on the fact that it was "a major metropolitan court that (i) is not currently overtaxed with other multidistrict dockets, and (ii) possesses the necessary resources to be able to devote the substantial time and effort to pretrial matters that this complex docket is likely to require." *In re Phenylpropanolamine (PPA) Prods. Liab. Litig.*, 173 F. Supp. 2d 1377, 1379-80 (J.P.M.L. 2001).

A. Judge Wolfson Of The District Of New Jersey Has The Experience To Properly Conduct This Litigation.

The District of New Jersey and Judge Wolfson in particular have significant experience handling multidistrict litigation involving deceptive sales actions as well as products liability actions. *See, e.g., Fosamax (Alendromate Sodium) Products Liability Litigation (No. II)*, MDL Docket No. 2243 (D.N.J. 2018); *In Re: Johnson & Johnson Talcum Powder Products Marketing*,

Sales Practices and Product Liability Litigation, MDL Docket No. 2738 (D.N.J. 2016); *Plavix Marketing, Sales Practices and Products Liability Litigation (No. II)*, MDL Docket No. 2418 (D.N.J. 2013) (all product liability MDLs currently assigned to Judge Wolfson). Currently, five of the eleven Scheduled Actions are located in the District of New Jersey. Judge Wolfson is presently presiding over four of these actions, including *Erwin v. Princeton Pharmaceutical Inc., et al.*, No. 18-cv-13447 (D.N.J.), as well as *O'Neill v. Solco Healthcare U.S. Inc., et al.*, No. 18-cv-14841 (D.N.J.). Thus, the District of New Jersey, and particularly Judge Wolfson's docket, is the appropriate transferee court for this multidistrict litigation.

B. The District of New Jersey Is An Efficient Forum.

The District of New Jersey has consistently served as a favored transferee court and is currently managing only 14 MDLs.⁴ The District of New Jersey has significant experience handling MDLs, and has consistently shown its ability to handle and resolve complex multidistrict products liability litigation, like this case, in an expeditious and fair manner, having terminated a total of 62 MDLs since 1972.⁵

C. Transfer Serves The Convenience Of The Parties And Witnesses.

"[T]ransfers shall be made by the judicial panel on the multidistrict litigation authorized by this section upon its determination that transfers for such proceedings will be for the convenience of parties and witnesses and will promote the just and efficient conduct of such actions." 28 U.S.C. § 1407(a).

Each of the Scheduled Actions names as defendants New Jersey entities responsible for the manufacture, distribution, and marketing of defective Valsartan. Indeed, the primary defendants

⁴ JUDICIAL PANEL ON MULTIDISTRICT LITIGATION, *Pending MDLs by District as of October 15, 2018*, at 2. Available at <http://www.jpml.uscourts.gov/pending-mdls-0>.

⁵ JUDICIAL PANEL ON MULTIDISTRICT LITIGATION, *Multidistrict Litigation Terminated Through September 30, 2017*, at 13–14. Available at <http://www.jpml.uscourts.gov/statistics-info>.

likely to have discoverable information relating to the Valsartan manufacturing process, marketing practices, and other material issues are headquartered in New Jersey. Therefore, transferring the Scheduled Actions to New Jersey is essential to prevent unnecessary and repetitive travel and expense during the conduct of each of the Actions.

Furthermore, several of the defendants named in the Scheduled Actions prefer consolidation in the District of New Jersey. Defendants successfully transferred the *Duffy* action to the District of New Jersey from the Southern District of New York, and defendants in Movant's action have similarly moved to transfer his class action from the Northern District of Illinois to the District of New Jersey.

D. New Jersey Is A Geographically Accessible Forum.

As explained above, the District of New Jersey is already the site of nearly half of the Scheduled Actions and, not coincidentally, the home of the majority of the named defendants. For plaintiffs and defendants residing in other jurisdictions, however, each division is within an hour's drive or train ride from either New York City or Philadelphia, two of the nation's largest cities and transportation hubs with international airports and expansive hotel and restaurant options. Expert witnesses and counsel would find New Jersey a convenient location to reach for hearings, depositions, and any possible trial.

CONCLUSION

For the foregoing reasons, pursuant to 28 U.S.C. § 1407, Movant respectfully requests that the Scheduled Actions listed in the contemporaneously-filed Schedule of Actions, and all similar or subsequently-filed related actions, be transferred and consolidated before Judge Freda L. Wolfson of the District of New Jersey.

Dated: October 22, 2018

Respectfully Submitted,

By: /s/ Paul T. Geske
One of Movant's Attorneys

Myles McGuire
Paul Geske
MCGUIRE LAW P.C.
55 West Wacker Drive, Suite 900
Chicago, Illinois 60601
mmcguire@mcgpc.com
pgeske@mcgpc.com
Tel. 312.893.2490

Scott Morgan
MORGAN LAW FIRM, LTD.
55 West Wacker Drive, Suite 900
Chicago, Illinois 60601
smorgan@smorgan-law.com
Tel. 312.327.3368

John Sawin
SAWIN LAW FIRM, LTD.
55 West Wacker Drive, Suite 900
Chicago, Illinois 60601
jsawin@sawinlawyers.com
Tel. 312.853.2490

Counsel for Plaintiff Robert Kruk

**BEFORE THE UNITED STATES JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

In re: Valsartan NDMA Contamination Litigation))))	MDL No. 88
---	------------------	------------

SCHEDULE OF ACTIONS

Parties	Court	Case No.	Judge
Plaintiff: Alphonse Borkowski, individually and on behalf of all others similarly situated Defendants: Prinston Pharmaceutical Inc. d/b/a Solco Healthcare LLC, Solco Healthcare U.S., LLC, Huahai US Inc.	U.S. District Court, Western District of New York (Buffalo)	1:18-cv-01150	Elizabeth A. Wolford
Plaintiffs: Elizabeth Duffy, John Duffy, on behalf of themselves and all others similarly situated Defendants: Solco Healthcare U.S., LLC, Prinston Pharmaceutical, Inc., Walgreen Co., Throggs Neck Pharmacy	U.S. District Court, District of New Jersey (Trenton) Transferred from S.D.N.Y. Civil Action No. 1:18-cv- 07460	3:18-cv-15076	Freda L. Wolfson Magistrate Judge: Lois H. Goodman
Plaintiff: Eric Erwin, individually and on	U.S. District Court, District of New Jersey (Trenton)	3:18-cv-13447	Freda L. Wolfson Magistrate Judge: Lois H. Goodman

behalf of all others similarly situated Defendants: Princeton Pharmaceutical Inc., Solco Healthcare U.S., LLC, Huahai US Inc., Teva Pharmaceutical Industries Ltd., Teva Pharmaceuticals USA, Inc.			
Plaintiffs: Leann Gentry, James Gentry Defendants: Solco Healthcare U.S., LLC., Princeton Pharmaceutical Inc., Teva Pharmaceuticals USA, Inc., The Harvard Drug Group, L.L.C. d/b/a Major Pharmaceuticals, Hen House Marketplace, LLC, Four B Corp., John Does 1-4	U.S. District Court, Western District of Missouri (Jefferson City)	2:18-cv-04214	Nanette K. Laughrey
Plaintiff: Richard Gonteski, individually and on behalf of a class of similarly situated individuals Defendants: Huahai US Inc., Zhejiang HuaHai Pharmaceutical Co., Ltd.	U.S. District Court, District of New Jersey (Trenton)	3:18-cv-14858	Anne E. Thompson Magistrate Judge: Lois H. Goodman

<p>Plaintiff: James Jones, individually and on behalf of all others similarly situated</p> <p>Defendants: Zhejiang HuaHai Pharmaceutical Co., Ltd., Prinston Pharmaceutical Inc., Solco Healthcare U.S., LLC, Huahai US Inc.</p>	U.S. District Court, Eastern District of Missouri (St. Louis)	4:18-cv-01525	Ronnie L. White
<p>Plaintiffs: John Judson, Jo Ann Hamel, on behalf of themselves and others similarly situated</p> <p>Defendants: Prinston Pharmaceutical Inc., Solco Healthcare U.S., LLC, Huahai US Inc., Teva Pharmaceutical Industries Ltd., Teva Pharmaceuticals USA, Inc.</p>	U.S. District Court, Eastern District of California (Fresno)	1:18-cv-01405	Dale A. Drozd Magistrate Judge: Erica P. Grosjean
<p>Plaintiff: Robert Kruk, individually and on behalf of all others similarly situated</p> <p>Defendants: Zhejiang HuaHai Pharmaceutical Co., Ltd., Prinston Pharmaceutical Inc., Solco Healthcare U.S., LLC, Huahai</p>	U.S. District Court, Northern District of Illinois (Chicago)	1:18-cv-05944	Harry D. Leinenweber

US Inc., Wal-Mart Stores, Inc.			
Plaintiff: Loren Lewis, individually and on behalf of a class of similarly situated individuals Defendants: Zhejiang HuaHai Pharmaceutical Co., Ltd., Huahai US Inc.	U.S. District Court, Eastern District of Tennessee (Chattanooga)	1:18-cv-00247	Harry S. Mattice Jr. Magistrate Judge: Christopher H Steger
Plaintiff: Richard O'Neill, on behalf of himself and all others similarly situated Defendants: Solco Healthcare U.S., LLC, Princeton Pharmaceutical, Inc.	U.S. District Court, District of New Jersey (Trenton)	3:18-cv-14840	Freda L. Wolfson Magistrate Judge: Douglas E. Arpert
Plaintiffs: Dominic Stimma, Margroth Strand, Jynona Gail Lee, on behalf of themselves and all others similarly situated Defendants: Torrent Pharma, Inc., Hetero USA, Inc., Camber Pharmaceuticals Inc., The Kroger Co., Quality Food Centers, Inc., CVS Health Co., Wal-Mart Stores, Inc.	U.S. District Court, District of New Jersey (Trenton)	3:18-cv-14318	Freda L. Wolfson Magistrate Judge: Lois H. Goodman

Dated: October 22, 2018

Respectfully Submitted,

By: /s/ Paul T. Geske
One of Movant's Attorneys

Myles McGuire
Paul Geske
MCGUIRE LAW P.C.
55 West Wacker Drive, Suite 900
Chicago, Illinois 60601
mmcguire@mcgpc.com
pgeske@mcgpc.com
Tel. 312.893.2490

Scott Morgan
MORGAN LAW FIRM, LTD.
55 West Wacker Drive, Suite 900
Chicago, Illinois 60601
smorgan@smorgan-law.com
Tel. 312.327.3368

John Sawin
SAWIN LAW FIRM, LTD.
55 West Wacker Drive, Suite 900
Chicago, Illinois 60601
jsawin@sawinlawyers.com
Tel. 312.853.2490

Counsel for Plaintiff Robert Kruk

**BEFORE THE UNITED STATES JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

In re: Valsartan NDMA Contamination
Litigation

MDL No. 88

CORRECTED PROOF OF SERVICE

I, Paul Geske, counsel for Plaintiff Robert Kruk, hereby certify that copies of Plaintiff's motion, brief, schedule of actions, and this Proof of Service were served upon the following parties and counsel of record by electronic mail, and by mail where so indicated, on October 23, 2018:

<p style="text-align: center;"><i>BORKOWSKI ACTION</i> Case No.18-cv-01150, W.D.N.Y. (Buffalo)</p>	
<p><u>COUNSEL IN <i>BORKOWSKI ACTION</i></u></p> <p>For Plaintiff Borkowski, individually and as the representative of a putative class of similarly situated individuals:</p> <p>Paul G. Joyce Colucci & Gallaher, P.C. 424 Main Street #2000 Buffalo, New York 14202 (716) 853-4080 pjoyce@colucci-gallaher.com</p> <p>Ruben Honik David Stanoch Golomb & Honik, P.C. 1835 Market Street, Suite 2900 Philadelphia, PA 19103 (215) 965-9177 rhonik@golombhonik.com dstanoch@golombhonik.com</p> <p>Michael L. Slack John R. Davis Slack Davis Sanger, LLP 2705 Bee Cave Road, Suite 220 Austin, TX 78746</p>	<p><u>CLERK OF COURT FOR <i>BORKOWSKI ACTION</i></u></p> <p>Mary C. Loewenguth Clerk of Court Robert H. Jackson U.S. Courthouse 2 Niagara Square Buffalo, NY 14202-3498</p> <p>(by mail)</p>

(512) 795-8686
mslack@slackdavis.com
jdavis@slackdavis.com

Allan Kanner
Conlee S. Whiteley
Layne Hilton
Kanner & Whiteley, LLC
701 Camp Street
New Orleans, Louisiana 70115
(504) 524-5777
a.kanner@kanner-law.com
c.whiteley@kanner-law.com
l.hilton@kanner-law.com

Defendant Princeton Pharmaceutical Inc.:

Defendant has not yet entered an appearance.
Filings will be mailed to its registered agent:

Princeton Pharmaceutical Corp.
c/o American Corporators LTD.
1013 Centre Road Suite 403-A
Wilmington, DE 19805

Defendant Solco Healthcare U.S., LLC:

Defendant has not yet entered an appearance.
Filings will be mailed to its registered agent:

Solco Healthcare U.S., LLC
c/o American Corporators LTD.
1013 Centre Road Suite 403-A
Wilmington, DE
19805

Defendant Huahai U.S. Inc.:

Defendant has not yet entered an appearance.
Filings will be mailed to its registered agent:

Huahai U.S. Inc.
c/o Jun Du
2002 Eastpark Blvd., Ste. A
Cranbury, NJ 08512

<i>DUFFY ACTION</i> Case No. 18-cv-15076-MAS-DEA, D.N.J. (Trenton)	
<u>COUNSEL IN DUFFY ACTION</u> For Plaintiff Duffy, individually and as the representative of a putative class of similarly situated individuals: Neal J. Deckant Andrew J. Obergfell Bursor & Fisher, P.A. 888 Seventh Avenue New York, NY 10019 (212) 837-7150 ndeckant@bursor.com aobergfell@bursor.com For Defendant Throggs Neck Pharmacy: Rachel H. Bob Abrams, Gorelick, Friedman & Jacobson, LLP One Battery Park Plaza New York, NY 10004 (212)-422-1200 rbob@agfjlaw.com Defendant Solco Healthcare U.S., LLC: Defendant has not yet entered an appearance. Filings will be mailed to its registered agent: Solco Healthcare U.S., LLC c/o American Corporators LTD. 1013 Centre Road Suite 403-A Wilmington, DE 19805 Defendant Princeton Pharmaceutical Inc.: Defendant has not yet entered an appearance. Filings will be mailed to its registered agent: Princeton Pharmaceutical Corp. c/o American Corporators LTD. 1013 Centre Road Suite 403-A	<u>CLERK OF COURT FOR DUFFY ACTION</u> William T. Walsh Clerk of Court Clarkson S. Fisher Building & U.S. Courthouse 402 East State Street Trenton, NJ 08608 (by mail)

<p>Wilmington, DE 19805</p> <p>Defendant Walgreen Co:</p> <p>Defendant has not yet entered an appearance. Filings will be mailed to its registered agent:</p> <p>Walgreen Co. c/o Illinois Corporation Service C 801 Adlai Stevenson Drive Springfield 62703</p>	
<p align="center"><i>ERWIN ACTION</i> Case No. 18-cv-13447-FLW-LHG, D.N.J. (Trenton)</p>	
<p align="center"><u>COUNSEL IN <i>ERWIN ACTION</i></u></p> <p>For Plaintiff Erwin, individually and as the representative of a putative class of similarly situated individuals:</p> <p>Ruben Honik David J. Stanoch Golomb & Honik, P.C. 1835 Market Street, Suite 2900 Philadelphia, PA 19103 Tel.: 215-965-9177 rhonik@golombhonik.com dstanoch@golombhonik.com</p> <p>Allan Kanner Conlee S. Whiteley Layne Hilton Kanner and Whiteley, LLC 701 Camp Street New Orleans, Louisiana 70115 Tel.: 504-524-5777 a.kanner@kanner-law.com c.whiteley@kanner-law.com l.hilton@kanner-law.com</p> <p>Michael L. Slack John R. Davis Slack Davis Sanger, LLP 2705 Bee Cave Road, Suite 220</p>	<p align="center"><u>CLERK OF COURT FOR <i>ERWIN ACTION</i></u></p> <p>William T. Walsh Clerk of Court Clarkson S. Fisher Building & U.S. Courthouse 402 East State Street Trenton, NJ 08608</p> <p>(by mail)</p>

<p>Austin, TX 78746 Tel.: 512-795-8686 mslack@slackdavis.com jdavis@slackdavis.com</p> <p>For Defendants Princeton Pharmaceuticals, Inc., Solco Healthcare U.S. LLC, Huahai U.S. Inc.:</p> <p>Seth Goldberg Duane Morris LLP 30 South 17th Street Philadelphia, PA 19103 215-979-1000 sagoldberg@duanemorris.com</p> <p>Defendant Teva Pharmaceutical Industries, LTD:</p> <p>Defendant has not yet entered an appearance.</p> <p>Teva Pharmaceutical Industries, LTD Basel St. 5 Peta Tikvah, Israel</p> <p>Defendant Teva Pharmaceuticals USA, Inc.:</p> <p>Defendant has not yet entered an appearance. Filings will be mailed to its registered agent:</p> <p>Teva Pharmaceuticals USA, Inc. c/o Corporate Creations Network Inc. 3411 Silverside Road Tatnall Building Ste. 104 Wilmington, DE 19810</p>	
<p align="center">GENTRY ACTION Case No. 18-cv-04214-NKL, W.D. Mo. (Jefferson City)</p>	
<p align="center"><u>COUNSEL IN GENTRY ACTION</u></p> <p>For Plaintiff:</p> <p>Louis C. Accurso Burton S. Haigh</p>	<p align="center"><u>CLERK OF COURT FOR GENTRY ACTION</u></p> <p>Paige Wymore-Wynn Court Executive Christopher S. Bond Court House</p>

<p>The Accurso Law Firm 4646 Roanoke Parkway Kansas City, MO 64112 (816) 561-3900 laccurso@accursolaw.com bhaigh@accursolaw.com</p> <p>For Defendants Solco Healthcare U.S., LLC & Princeton Pharmaceuticals, Inc.:</p> <p>Kevin F. Hormuth Greensfelder, Hemker & Gale, P.C. 10 South Broadway Suite 2000 St. Louis, MO 63102 (314) 241-9090 kfh@greensfelder.com</p> <p>For Defendant Teva Pharmaceuticals, USA, Inc.:</p> <p>William Ray Price, Jr. Armstrong Teasdale LLP-STL 7700 Forsyth Blvd. Suite 1800 St. Louis, MO 63105 (314) 621-5070 wprice@armstrongteasdale.com</p> <p>Matthew Duff Turner Armstrong Teasdale LLP-JCMO 3405 West Truman Boulevard Suite 210 Jefferson City, MO 65109-5713 (573) 636-8394 mtturner@armstrongteasdale.com</p> <p>For Defendant The Harvard Drug Group, LLC:</p> <p>Daniel Sasse Crowell & Moring 3 Park Plaza 20th Floor Irvine, CA 92614-8505 (949) 263-8400 dsasse@crowell.com</p>	<p>80 Lafayette Street Jefferson City, MO 65101</p> <p>(by mail)</p>
---	---

<p>For Defendant Hen House Marketplace, LLC:</p> <p>Defendant has not yet entered an appearance. Filings will be mailed to its registered agent:</p> <p>Hen House Marketplace c/o R Otto Maly 211 N Stadium Blvd Suite 201 Columbia, MO 65203</p> <p>For Defendant Four B Corporation:</p> <p>Defendant has not yet entered an appearance. Filings will be mailed to its registered agent:</p> <p>Four B Corporation c/o Luder & Weist, LLC 7400 W 132nd Street Suite 110 Overland Park, KS 66213</p>	
<p style="text-align: center;"><i>GONTESKI ACTION</i></p> <p style="text-align: center;">Case No. 18-cv-14858-AET-LHG, D.N.J. (Trenton)</p>	
<p style="text-align: center;"><u>COUNSEL IN <i>GONTESKI ACTION</i></u></p> <p>For Plaintiff, individually and as the representative of a putative class of similarly situated individuals:</p> <p>James C. Shah Shepherd, Finkelman, Miller & Shah, LLP 475 White Horse Pike Collingswood, NJ 08107 (856) 858-1770 jshah@sfmslaw.com</p> <p>Defendant Huahai U.S. Inc.:</p> <p>Defendant has not yet entered an appearance. Filings will be mailed to its registered agent:</p> <p>Huahai U.S. Inc. c/o Jun Du 2002 Eastpark Blvd. Ste. A Cranbury, NJ 08512</p>	<p style="text-align: center;"><u>CLERK FOR <i>GONTESKI ACTION</i></u></p> <p>William T. Walsh Clerk of Court Clarkson S. Fisher Building & U.S. Courthouse 402 East State Street Trenton, NJ 08608</p> <p>(by mail)</p>

<p>Defendant Zhejiang Huahai Pharmaceutical Co., LTD.:</p> <p>Defendant has not yet entered an appearance.</p> <p>Zhejiang Huahai Pharmaceutical Co., LTD Xunqiao, Linhai, Zhejiang 317024, China</p>	
<p align="center">JONES ACTION Case No. 18-cv-01525-RLW, E.D. Mo. (St. Louis)</p>	
<p align="center"><u>COUNSEL IN JONES ACTION</u></p> <p>For Plaintiff, individually and as the representative of a putative class of similarly situated individuals:</p> <p>Lanny H. Darr Darr Firm 307 Henry St. Suite 406 Alton, IL 62002 (618) 208-6828 ldarr@darrfirm.com</p> <p>For Defendants, Zhejiang Huahai Pharmaceutical Co., Ltd., Princeton Pharmaceutical, Inc., Solco Healthcare US, LLC, Huahai US, Inc.:</p> <p>Kevin F. Hormuth Greensfelder, Hemker & Gale, P.C. 10 South Broadway Suite 2000 St. Louis, MO 63102 (314) 241-9090 kfh@greensfelder.com</p>	<p align="center"><u>CLERK FOR JONES ACTION</u></p> <p>Gregory J. Linhares Clerk of Court Thomas F. Eagleton U.S. Courthouse 111 South 10th Street St. Louis, MO 63102</p> <p>(by mail)</p>
<p align="center">JUDSON ACTION Case No. 18-cv-01405-DAD-EPG, E.D. Cal. (Fresno)</p>	
<p align="center"><u>COUNSEL IN JUDSON ACTION</u></p>	<p align="center"><u>CLERK FOR JUDSON ACTION</u></p> <p>Marianne Matherly</p>

For Plaintiff, individually and as the representative of a putative class of similarly situated individuals:

Ruben Honik
David J. Stanoch
Golomb & Honik, P.C.
1835 Market Street, Suite 2900
Philadelphia, PA 19103
Tel.: 215-965-9177
rhonik@golombhonik.com
dstanoch@golombhonik.com

Allan Kanner
Conlee S. Whiteley
Layne Hilton
Kanner and Whiteley, LLC
701 Camp Street
New Orleans, Louisiana 70115
Tel.: 504-524-5777
a.kanner@kanner-law.com
c.whiteley@kanner-law.com
l.hilton@kanner-law.com

Michael L. Slack
John R. Davis
Slack Davis Sanger, LLP
2705 Bee Cave Road, Suite 220
Austin, TX 78746
Tel.: 512-795-8686
mslack@slackdavis.com
jdavis@slackdavis.com

Defendant Princeton Pharmaceutical Inc.:

Defendant has not yet entered an appearance.
Filings will be mailed to its registered agent:

Princeton Pharmaceutical Corp.
c/o American Corporators LTD.
1013 Centre Road Suite 403-A
Wilmington, DE 19805

Defendant Solco Healthcare U.S., LLC:

Clerk of Court
Robert E. Coyle U.S. Courthouse
2500 Tulare Street, Room 4-200
Fresno, CA 93721

(by mail)

<p>Defendant has not yet entered an appearance. Filings will be mailed to its registered agent:</p> <p>Solco Healthcare U.S., LLC c/o American Corporators LTD. 1013 Centre Road Suite 403-A Wilmington, DE 19805</p> <p>Defendant Huahai U.S. Inc.:</p> <p>Defendant has not yet entered an appearance. Filings will be mailed to its registered agent:</p> <p>Huahai U.S. Inc. c/o Jun Du 2002 Eastpark Blvd., Ste. A Cranbury, NJ 08512</p> <p>Defendant Teva Pharmaceutical Industries, LTD:</p> <p>Defendant has not yet entered an appearance.</p> <p>Teva Pharmaceutical Industries, LTD Basel St. 5 Peta Tikvah, Israel</p> <p>Defendant Teva Pharmaceuticals USA, Inc.:</p> <p>Defendant has not yet entered an appearance. Filings will be mailed to its registered agent:</p> <p>Teva Pharmaceuticals USA, Inc. c/o Corporate Creations Network Inc. 3411 Silverside Road Tatnall Building Ste. 104 Wilmington, DE 19810</p>	
<p align="center"><i>KRUK ACTION</i> Case No. 18-cv-05944, N.D. Ill. (Chicago)</p>	
<p align="center"><u>COUNSEL IN <i>KRUK ACTION</i></u></p>	<p align="center"><u>CLERK FOR <i>KRUK ACTION</i></u> Thomas G. Bruton</p>

For Plaintiffs, individually and as the representatives of a putative class of similarly situated individuals:

Scott Morgan
Morgan Law Firm, Ltd.
55 West Wacker Drive, Suite 900
Chicago, Illinois 60601
smorgan@smorgan-law.com
(312) 327-3386

John Sawin
Sawin Law Firm, Ltd.
55 West Wacker Drive, Suite 900
Chicago, Illinois 60601
jsawin@sawinlawyers.com
(312) 853-2490

Myles McGuire
Paul Geske
55 West Wacker Drive, Suite 900
Chicago, Illinois 60601
mmcguire@mcgpc.com
pgeske@mcgpc.com
(312) 893-7002

For Defendants, Zhejiang Huahai Pharmaceutical Co., Ltd., Princeton Pharmaceutical, Inc., SolcoHealthcare US, LLC., Huahai US, Inc., Wal-Mart Stores, Inc.:

Elinor Hart Murarova
Paul Evans Chronis
Duane Morris LLP
1540 Broadway Suite 1400
New York, NY 10036-4086
(212) 471-1839
ehart@duanemorris.com
pechronis@duanemorris.com

Clerk of Court
Everett McKinley Dirksen U.S. Courthouse
219 South Dearborn St.
Chicago, IL 60604

(by mail)**LEWIS ACTION**

Case No. 18-cv-00247-HSM-CHS, E.D. Tenn. (Chattanooga)

<p style="text-align: center;"><u>COUNSEL IN LEWIS ACTION</u></p> <p>For Plaintiff, individually and as the representative of a putative class of similarly situated individuals:</p> <p>Robert A. Cox Edwin Earl Wallis Glassman, Wyatt, Tuttle & Cox, P.C. 26 North Second Street Memphis, TN 38103 (901) 527-4673</p> <p>Defendant Huahai U.S. Inc.:</p> <p>Defendant has not yet entered an appearance. Filings will be mailed to its registered agent:</p> <p>Huahai U.S. Inc. Jun Du 2002 Eastpark Blvd., Ste. A Cranbury, NJ 08512</p> <p>Defendant Zhejiang Huahai Pharmaceutical Co., LTD.:</p> <p>Defendant has not yet entered an appearance.</p> <p>Zhejiang Huahai Pharmaceutical Co., LTD Xunqiao, Linhai, Zhejiang 317024, China</p>	<p style="text-align: center;"><u>CLERK IN LEWIS ACTION</u></p> <p>John L. Medearis Clerk of Court Joel W. Solomon Federal Building, U.S. Courthouse 900 Georgia Avenue Chattanooga, Tennessee 37402</p> <p>(by mail)</p>
<p style="text-align: center;"><u>O'NEILL ACTION</u></p> <p style="text-align: center;">Case No. 18-cv-14840-FLW-DEA, D.N.J. (Trenton)</p>	
<p style="text-align: center;"><u>COUNSEL IN O'NEILL ACTION</u></p> <p>For Plaintiff, individually and as the representative of a putative class of similarly situated individuals:</p> <p>Stefanie Colella-Walsh Stark and Stark 993 Lenox Drive Lawrenceville, New Jersey 08648 (609) 219-7416</p>	<p style="text-align: center;"><u>CLERK IN O'NEILL ACTION</u></p> <p>William T. Walsh Clerk of Court Clarkson S. Fisher Building & U.S. Courthouse 402 East State Street Trenton, NJ 08608</p> <p>(by mail)</p>

<p>scoellawalsh@stark-stark.com</p> <p>George A. Barton Law Offices of George A. Barton, P.C. 7227 Metcalf Avenue, Suite 301 Overland Park, Kansas 66204 (913) 563-6255 gab@georgebartonlaw.com</p> <p>Defendant Princeton Pharmaceutical Inc.:</p> <p>Defendant has not yet entered an appearance. Filings will be mailed to its registered agent:</p> <p>Princeton Pharmaceutical Corp. c/o American Corporators LTD. 1013 Centre Road Suite 403-A Wilmington, DE 19805</p> <p>Defendant Solco Healthcare U.S., LLC:</p> <p>Defendant has not yet entered an appearance. Filings will be mailed to its registered agent:</p> <p>Attn: Solco Healthcare U.S., LLC American Corporators LTD. 1013 Centre Road Suite 403-A Wilmington, DE 19805</p>	
<p style="text-align: center;"><i>STIMMA ACTION</i> Case No. 18-cv-14318-BRM-LHG, D.N.J. (Trenton)</p>	
<p style="text-align: center;"><u>COUNSEL IN <i>STIMMA ACTION</i></u></p> <p>For Plaintiff, individually and as the representative of a putative class of similarly situated individuals:</p> <p>Andrew J. Obergfell Bursor & Fisher, P.A. 888 Seventh Avenue New York, NY 10019 (212) 837-7150 aobergfell@bursor.com</p>	<p style="text-align: center;"><u>CLERK FOR <i>STIMMA ACTION</i></u></p> <p>William T. Walsh Clerk of Court Clarkson S. Fisher Building & U.S. Courthouse 402 East State Street Trenton, NJ 08608</p> <p>(by mail)</p>

For Defendants The Kroger Co. & Quality Food Centers, Inc.:

Kenneth Marc Klemm
Baker Donelson Bearman Caldwell &
Berkowitz, P.C.
201 St. Charles Avenue 36th fl.
New Orleans, LA 70170
(504) 566-5258
kklemm@bakerdonelson.com

For Defendant Wal-Mart Stores, Inc.:

David E. Sellinger
Greenberg Traurig, LLP
500 Campus Drive
Suite 400
P.O. Box 677
Florham Park, NJ 07932-0677
(973) 360-7900
sellingerd@gtlaw.com

Defendant Torrent Pharmaceuticals, Inc.:

Defendant has not yet entered an appearance.
Filings will be mailed to its registered agent:

Torrent Pharma Inc.
c/o Corporation Service Company
251 Little Falls Drive
Wilmington, Delaware
19808

Defendant Hetero USA, Inc.:

Defendant has not yet entered an appearance.
Filings will be mailed to its registered agent:

Hetero USA, Inc.
c/o W/K Incorporating Services, Inc.
3500 S. Dupont Highway
Dover, DE 19901

Defendant Camber Pharmaceuticals, Inc.:

Defendant has not yet entered an appearance.
Filings will be mailed to its registered agent:

Camber Pharmaceuticals, Inc.
c/o The Corporation Trust Company
Corporation Trust Center
1209 Orange St.
Wilmington, DE 19801

Defendant CVS Health Co.:

Defendant has not yet entered an appearance.
Filings will be mailed to its registered agent:

CVS Health Co.
c/o The Corporation Trust Company
Corporation Trust Center
12098 Orange St.
Wilmington, DE 19801

Dated: October 23, 2018

Respectfully Submitted,

By: /s/ Paul T. Geske
One of Movant's Attorneys

Myles McGuire
Paul Geske
MCGUIRE LAW P.C.
55 West Wacker Drive, Suite 900
Chicago, Illinois 60601
mmcguire@mcgpc.com
pgeske@mcgpc.com
Tel. 312.893.2490

Scott Morgan
MORGAN LAW FIRM, LTD.
55 West Wacker Drive, Suite 900
Chicago, Illinois 60601
smorgan@smorgan-law.com
Tel. 312.327.3368

John Sawin
SAWIN LAW FIRM, LTD.

55 West Wacker Drive, Suite 900
Chicago, Illinois 60601
jsawin@sawinlawyers.com
Tel. 312.853.2490

Counsel for Plaintiff Robert Kruk