

33665

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

DELORES DRURY, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 LIFE RISING CORPORATION; TON SHEN )  
 HEALTH, INC.; NATURE'S HEALTH CORP.; )  
 and, ZHENGANG GUO; )  
 )  
 Defendants, )  
 )  
 and )  
 )  
 FORSYTH CHIROPRACTIC CENTRE, P.C.; )  
 and, PATRICK KENNEDY, D.C., )  
 )  
 Respondents in Discovery. )

No.

FILED-11  
 2008 DEC 31 AM 11:50  
 DOROTHY BROWN  
 CLERK OF CIRCUIT COURT  
 LAW DIVISION

2008LO14411  
 CALENDAR/ROOM B  
 TIME 00:00  
 Product Liability

**COMPLAINT**

NOW COMES the Plaintiff, Delores Drury, by and through her attorneys, Onder, Shelton, O'Leary & Peterson, LLC, and the Law Offices of John G. Kelly, P.C., and for her Complaint against the Defendants, Life Rising Corporation, Ton Shen Health, Inc., Nature's Health Corp., and Zhengang Guo, states as follows:

**THE PARTIES**

1. From 2003 to the present, Plaintiff Delores Drury has been a resident of St. Louis County, Missouri. Plaintiff is currently 61 years of age.

2. Beginning in 2003, Plaintiff sought treatment from Patrick Kennedy, Doctor of Chiropractic, and Defendant Zhengang Guo (hereinafter, "GUO"), a master herbalist and founder

of Defendants Life Rising Corporation (hereinafter, "LIFE RISING"), Ton Shen Health, Inc. (hereinafter, "TON SHEN"), and Nature's Health Corp. (hereinafter, "NATURE'S HEALTH").

3. In treating Plaintiff, Patrick Kennedy and GUO prescribed and sold Chinese herbs to Plaintiff. Such Chinese herbs were created, designed, manufactured, and distributed by Defendants GUO, LIFE RISING, TON SHEN, and NATURE'S HEALTH.

4. At all times pertinent hereto, including from 2003 to the present, Defendant LIFE RISING was and is an Illinois corporation maintaining its principal place of business in Chicago, Illinois, and doing business in Cook County in the State of Illinois and beyond. At all relevant times, LIFE RISING advertised and offered for sale Chinese herbs to members of the consuming public and made representations regarding the use and safety of aforesaid Chinese herbs in Cook County in the State of Illinois and elsewhere, including St. Louis County, Missouri.

5. At all times pertinent hereto, including from 2003 to the present, Defendant TON SHEN was and is an Illinois corporation maintaining its principal place of business in Chicago, Illinois, and doing business in Cook County in the State of Illinois and beyond. At all relevant times, TON SHEN advertised and offered for sale Chinese herbs to members of the consuming public and made representations regarding the use and safety of aforesaid Chinese herbs in Cook County in the State of Illinois and elsewhere, including St. Louis County, Missouri.

6. At all times pertinent hereto, including from 2003 to the present, Defendant NATURE'S HEALTH was and is an Illinois corporation maintaining its principal place of

business in Chicago, Illinois, and doing business in Cook County in the State of Illinois and beyond. At all relevant times, NATURE'S HEALTH advertised and offered for sale Chinese herbs to members of the consuming public and made representations regarding the use and safety of aforesaid Chinese herbs in Cook County in the State of Illinois and elsewhere, including St. Louis County, Missouri.

7. At all times pertinent hereto, including 2003 to the present, Defendant GUO, was and is a master herbalist, acupuncturist, and practitioner of Traditional Chinese Medicine practicing in Cook County in the State of Illinois. GUO is the founder of Defendants LIFE RISING, TON SHEN, and NATURE'S HEALTH. LIFE RISING, TON SHEN, and NATURE'S HEALTH advertise on their web site(s) that GUO is a practitioner of Traditional Chinese Medicine and facilitates the preparation of Chinese herbs.

8. At all times pertinent hereto, including from 2003 to the present, Patrick Kennedy was and is a Doctor of Chiropractic practicing in St. Louis County in the State of Missouri at Forsyth Chiropractic Center, P.C., a Missouri corporation maintaining its principal place of business in Clayton and Kirkwood, Missouri.

9. At all times pertinent hereto, including 2003 to the present, Patrick Kennedy, D.C., regularly engaged in commerce with Defendants GUO, LIFE RISING, TON SHEN, and/or NATURE'S HEALTH in Cook County in the State of Illinois, and purchased Chinese herbs from and consulted with Defendants GUO, LIFE RISING, TON SHEN, and NATURE'S HEALTH in Cook County in the State of Illinois. Defendants LIFE RISING, TON SHEN, and

NATURE'S HEALTH advertise on their web site(s) that Defendant Patrick Kennedy, D.C., is an affiliated practitioner of Traditional Chinese Medicine.

10. At all times pertinent hereto, including 2003 to the present, Forsyth Chiropractic Center, P.C., was and is a Missouri corporation maintaining its principal place of business in St. Louis County in the State of Missouri.

11. At all times pertinent hereto, including 2003 to the present, Defendant Forsyth Chiropractic Center regularly engaged in commerce with Defendants GUO, LIFE RISING, TON SHEN, and/or NATURE'S HEALTH in Cook County in the State of Illinois, and purchased Chinese herbs from and consulted with Defendants GUO, LIFE RISING, TON SHEN, and NATURE'S HEALTH in Cook County in the State of Illinois. Defendants LIFE RISING, TON SHEN, and NATURE'S HEALTH advertise that Defendant Kennedy is an affiliated practitioner of Traditional Chinese Medicine, conducting such business at Forsyth Chiropractic Center.

12. Defendants GUO, LIFE RISING, TON SHEN, and NATURE'S HEALTH, along with Patrick Kennedy and Forsyth Chiropractic Center, prescribed, provided, and sold the aforementioned Chinese herbs to the Plaintiff in a defective and unreasonably dangerous state and without warnings and/or instructions regarding the risks associated with such Chinese herbs. Said herbs were distributed from Defendants GUO, LIFE RISING, TON SHEN, and NATURE'S HEALTH in Cook County to and through Patrick Kennedy and Forsyth Chiropractic Center in St. Louis County, Missouri, and to Plaintiff.

13. Plaintiff took such Chinese herbs from November 2003 continuing through February 2007, and suffered kidney disease, a subsequent kidney transplant, and other related injuries and illnesses as a result of her use of such Chinese herbs.

### **THE EVENTS**

14. In approximately November of 2003, Plaintiff Delores Drury began treating with Patrick Kennedy, D.C., at Kennedy's offices, Forsyth Chiropractic Center, P.C., in St. Louis County, Missouri. Plaintiff continued to treat with Kennedy until approximately February of 2007. Over the course of the three and a half (3 ½) years Plaintiff treated with Kennedy, Plaintiff sought treatment for various ailments and illnesses, including headaches, fatigue, joint aches and pains, dizziness, and stomach, bowel irritation.

15. During the time frame in which Kennedy was treating Plaintiff, he was engaged in a business and professional relationship with LIFE RISING, TON SHEN, NATURE'S HEALTH, and Master Herbalist GUO. In this relationship, Kennedy consulted with GUO and other members of GUO'S companies, LIFE RISING, TON SHEN, and NATURE'S HEALTH, regarding Kennedy's provision of Traditional Chinese Medicine products and treatments, including Chinese herbs, to Kennedy's patients, including Plaintiff.

16. During the time frame in which Kennedy was treating Plaintiff and to the present, GUO was President of and/or had an ownership interest in LIFE RISING, TON SHEN, and NATURE'S HEALTH.

17. Throughout the time frame in which Kennedy was treating Plaintiff and as part of Kennedy's treatment of Plaintiff, Kennedy prescribed and sold to Plaintiff various Chinese herbal formulas ("Chinese herbs"), all of which he obtained from GUO, LIFE RISING, TON SHEN, and NATURE'S HEALTH, after consultation with same, and all of which had been created, designed, manufactured, and distributed by GUO, LIFE RISING, TON SHEN, and NATURE'S HEALTH. Kennedy and Forsyth Chiropractic Center, P.C., would purchase said Chinese Herbs from GUO, LIFE RISING, TON SHEN, and NATURE'S HEALTH, and then sell said Chinese Herbs to Plaintiff at a profit.

18. From time to time, over the course of Kennedy's treatment of Plaintiff, Kennedy would change, vary, or alter the types of Chinese herbs he prescribed and sold to Plaintiff based upon his perception of Plaintiff's condition and after consulting with GUO, LIFE RISING, TON SHEN, and NATURE'S HEALTH.

19. During the time frame in which Kennedy was treating Plaintiff, Kennedy was held out by GUO, LIFE RISING, TON SHEN, and NATURE'S HEALTH, as an approved and affiliated Traditional Chinese Medicine practitioner for GUO, LIFE RISING, TON SHEN, and NATURE'S HEALTH. Kennedy was further held out as a wholesaler and distributor of Chinese herbs by and for GUO, LIFE RISING, TON SHEN, and NATURE'S HEALTH.

20. In May and August of 2005, Plaintiff was seen and treated by Defendant GUO as GUO's offices in Chicago, Illinois. In these visits, GUO examined Plaintiff and prescribed and

sold certain Chinese herbs to Plaintiff, all of which had been created, designed, manufactured, and distributed by GUO, LIFE RISING, TON SHEN, and NATURE'S HEALTH.

21. Plaintiff ingested, with very limited exception, all of the Chinese herbs prescribed and sold to her by Kennedy, Forsyth Chiropractic Center, P.C., GUO, LIFE RISING, TON SHEN, and NATURE'S HEALTH. The only Chinese herbs Plaintiff has ever ingested were prescribed and sold to her by Kennedy, Forsyth Chiropractic Center, P.C., GUO, LIFE RISING, TON SHEN, and NATURE'S HEALTH. All of these Chinese herbs were manufactured and distributed by GUO, LIFE RISING, TON SHEN, and NATURE'S HEALTH. All of these Chinese herbs and the formulas for them were created and designed by GUO, LIFE RISING, TON SHEN, and NATURE'S HEALTH.

22. In 2007, sometime after Plaintiff ceased treatment with Kennedy, she was diagnosed with "Chinese herb nephropathy," kidney disease, and renal failure. As a result of the Chinese herb nephropathy, kidney disease, and renal failure, Plaintiff has been and will be required to undergo various medical procedures and treatments, including a kidney transplant, and Plaintiff has been and will be required to take various medications. According to Plaintiff's treating physicians and nephrologists, Plaintiff's kidney disease and renal failure was caused by her ingestion of Chinese herbs.

23. Plaintiff's Chinese herb nephropathy, kidney disease, and renal failure occurred as a result of her ingestion of the Chinese herbs prescribed, sold, created, designed, manufactured, and distributed by Kennedy, Forsyth Chiropractic Center, P.C., GUO, LIFE RISING, TON

SHEN, and NATURE'S HEALTH. These Chinese herbs prescribed, sold, created, designed, manufactured, and distributed by Kennedy, Forsyth Chiropractic Center, P.C., GUO, LIFE RISING, TON SHEN, and NATURE'S HEALTH contained aristolochic acid and other ingredients toxic or harmful to the human kidneys.

24. The condition of said Chinese herbs ingested by Plaintiff which caused her injuries was an unreasonably dangerous condition and said condition existed at the time said Chinese herbs left the control of GUO, LIFE RISING, TON SHEN, and NATURE'S HEALTH.

25. Said Chinese herbs, including their packaging, were not altered in any way after leaving the control of GUO, LIFE RISING, TON SHEN, and NATURE'S HEALTH.

26. Plaintiff used said Chinese herbs as intended and reasonably foreseen by Kennedy, Forsyth Chiropractic Center, P.C., GUO, LIFE RISING, TON SHEN, and NATURE'S HEALTH.

27. In approximately 2001, the United States Food and Drug Administration banned aristolochic acid for use in the United States.

**COUNT I – STRICT LIABILITY –**  
**LIFE RISING, TON SHEN, NATURE'S HEALTH AND GUO**

1-27. Plaintiff restates and realleges Paragraph Nos. 1 through 27 of this Complaint as though fully stated and set forth herein as Paragraph Nos. 1 through 27 of this Count I.

28. On or about November 17, 2003 and continuing through February, 2007, Plaintiff purchased and ingested Chinese herbs created, designed, manufactured, distributed, and produced by LIFE RISING, TON SHEN, NATURE'S HEALTH, and GUO, at the direction and under the supervision of Defendant GUO, founder of LIFE RISING, TON SHEN, and NATURE'S HEALTH and Practitioner of Traditional Chinese Medicine, and GUO'S affiliated practitioner, Patrick Kennedy, D.C.

29. The product, said Chinese herbs, left the control of and was sold by Defendants LIFE RISING, TON SHEN, NATURE'S HEALTH, and GUO in a defective and unreasonably dangerous condition in one or more of the following respects:

- (a) The products sold by Defendants contained aristolochic acid and/or other substances toxic or harmful to the human kidney; and/or
- (b) The product as sold and distributed was without proper and adequate warnings and instructions regarding all possible adverse side effects associated with the use of said Chinese herbs, and the comparative severity and duration of the adverse effects, including the risks associated with kidney disease or related injuries and illnesses. The warnings given by LIFE RISING, TON SHEN, NATURE'S HEALTH, and GUO did not accurately reflect the symptoms, type, scope, or severity of the side effects; and/or
- (c) The Defendants failed to give adequate post-marketing warnings or instructions for the use of such Chinese herbs.

30. At the time the Chinese herbs were manufactured, sold, and distributed by LIFE RISING, TON SHEN, NATURE'S HEALTH, and GUO, they were in a defective condition and unreasonably dangerous when put to their reasonably anticipated use, and subjected users, including Plaintiff, to increased risk of kidney disease and other injuries and illnesses which exceeded their benefits.

31. The Chinese herbs sold to Plaintiff reached Plaintiff without substantial change in the condition in which they left the control of the Defendants. Plaintiff ingested said Chinese herbs without making any changes or alterations, and used them in a manner reasonably anticipated by Defendants LIFE RISING, TON SHEN, NATURE'S HEALTH, and GUO.

32. Plaintiff was unaware of the dangerousness of said products until after their use and the development of kidney disease and other related injuries and illnesses.

33. The kidney disease, subsequent kidney transplant, and other related injuries and illnesses of Plaintiff Delores Drury occurred as a direct and proximate result of the aforesaid defective condition which existed when said Chinese herbs were distributed and sold by Defendants.

34. Defendants LIFE RISING, TON SHEN, NATURE'S HEALTH, and GUO sold the aforesaid Chinese herbs in the course of Defendants' business, and at the time of doing so, knew or should have known the aforesaid product was in a defective condition, unreasonably dangerous when put to its reasonably anticipated use, and when used in the manner reasonably

anticipated. Defendants knew or should have known of the defective condition and danger of their Chinese herbs, yet continued to advertise, market, distribute, and sell them to Plaintiff and the general public. Defendant knew or should have known of said unreasonably dangerous condition(s) of said Chinese herbs at the time the herbs left Defendants' control.

35. As a direct and proximate result of the defective and dangerous condition of said Chinese herbs, Plaintiff Delores Drury, developed kidney disease, Plaintiff has been caused to undergo a kidney transplant depend on immunosuppressants, and suffer related injuries and illnesses.

36. Attached hereto is the Affidavit of Plaintiff's Attorney pursuant to Illinois Supreme Court Rule 222(b).

WHEREFORE, Plaintiff Delores Drury asks that this Court enter judgment in her favor and against the Defendants, LIFE RISING, TON SHEN, NATURE'S HEALTH, and GUO, in an amount in excess of the jurisdictional amount of this Court.

**COUNT II – NEGLIGENCE –**  
**LIFE RISING, TON SHEN, NATURE'S HEALTH AND GUO**

1-35. Plaintiff restates and realleges Paragraph Nos. 1 through 35 of this Complaint as though fully stated and set forth herein as Paragraph Nos. 1 through 35 of this Count II.

36. Defendants LIFE RISING, TON SHEN, NATURE'S HEALTH, and GUO created, designed, manufactured, distributed, sold, produced, and injected into the stream of

commerce, Chinese herbs, in the regular course of business which Defendants knew would be used by Plaintiff and others.

37. At all times material, Defendants LIFE RISING, TON SHEN, NATURE'S HEALTH, and GUO had a duty to design, manufacture, and sell Chinese herbs which were free from any and all defects that could result in injury to their users; had the duty to warn users of the Chinese herbs of any such defects; and had a duty to remediate any such defects, specifically the defects which resulted in kidney damage.

38. Defendants owed a duty of ordinary care to users of their Chinese herbs, including Plaintiff, and also owed a duty to warn of any dangerous defects or side effects, including unreasonable and dangerous risks, reactions, and illnesses, as well as a duty to provide adequate post market warnings as it learned or should have learned of the Chinese herbs' substantial defects and dangers, including a user's increased risks of kidney disease and other serious illnesses. Defendants were negligent and breached their duty of reasonable care in the creation, design, manufacture, distribution, production, and/or retailing of the aforesaid product in one or more of the following respects:

- (a) Defendants were negligent in the manufacture and production of the product in allowing contaminants, toxins, and other substances toxic or harmful to the human kidney, including aristolochic acid, to enter into the manufacture and production process and to be included in and with the final product;

- (b) Defendants were negligent in the creation, design, and formulation of the product and the manufacturing process in allowing contaminants, toxins, and other substances toxic or harmful to the human kidney, including aristolochic acid, to enter into the manufacture and production process and to be included in and with the final product;
- (c) Defendants were negligent in failing to adequately monitor the manufacturing process, thereby allowing contaminants, toxins, and other substances toxic or harmful to the human kidney, including aristolochic acid, to enter into the manufacturing and production process and to be included in and with the final product;
- (d) Defendants were negligent in failing to set up adequate quality control measures, safeguards, or screening processes to prevent contaminants, toxins, and other substances toxic or harmful to the human kidney, including aristolochic acid, from entering into the manufacture and production process, and from being included in and with the final product;
- (e) Defendants were negligent in failing to set up adequate quality control measures, safeguards, or screening processes to prevent the product from leaving the manufacturing plant containing contaminants, toxins, and other substances toxic or harmful to the human kidney, including aristolochic acid;
- (f) Defendants were negligent in allowing the aforesaid product to be distributed and sold containing contaminants, toxins, or other substances toxic or harmful to the human kidney, including aristolochic acid;

- (g) Defendants were negligent in failing to conduct sufficient research and testing regarding and/or during the design, manufacturing, and production processes which, if properly performed, would have shown that the Chinese herbs had serious side effects, including kidney disease and other serious illnesses;
- (h) Defendants were negligent in failing to take adequate measures to recall the aforesaid products Defendants knew or should have known to be defective, and in continuing to sell the known defective products, and Defendants were negligent in undertaking inadequate recall measures;
- (i) Defendants negligently failed to include adequate warnings with the marketing, distribution, and sale of said Chinese herbs that would alert users to the potential risks and serious side effects of the Chinese herbs;
- (j) Defendants were negligent in that they failed to warn Plaintiff that use of said Chinese herbs carried increased risks of kidney disease and other serious side effects;
- (k) Defendants were negligent in that they failed to warn practitioners, chiropractors, and others treating Plaintiff that prescribing said Chinese herbs to Plaintiff carried increased risks of kidney disease and other serious side effects; and
- (l) Defendants were negligent in that they failed to issue other appropriate warnings to Plaintiff, consumers, and the healthcare industry in general.

39. LIFE RISING, TON SHEN, NATURE'S HEALTH, and GUO failed to use ordinary care to manufacture, distribute, create, and/or design Chinese herbs to be reasonably safe.

40. Defendants knew, or by using ordinary care, should have known, that said Chinese herbs caused unreasonably dangerous risks and serious side effects of which the general public would not be aware. Defendants nevertheless advertised, marketed, and promoted their products to the general public, the healthcare industry, and Plaintiff, without warning the general public, healthcare industry, and Plaintiff, of the dangerous condition of said Chinese herbs.

41. As a direct and proximate result of the Defendants' negligence and breaches of their duty of care, Plaintiff, Delores Drury, developed kidney disease, and Plaintiff has been caused to undergo a kidney transplant, depend on immunosuppressants, and suffer related injuries and illnesses.

42. Attached hereto is the Affidavit of Plaintiff's Attorney pursuant to Illinois Supreme Court Rule 222(b).

WHEREFORE, Plaintiff Delores Drury asks that this Court enter judgment in her favor and against the Defendants, LIFE RISING, TON SHEN, NATURE'S HEALTH, and GUO, in an amount in excess of the jurisdictional amount of this Court.

**COUNT III – NEGLIGENCE – ZHENGANG GUO**

1-41. Plaintiff restates and realleges Paragraph Nos. 1 through 44 of this Complaint as though fully set forth in Paragraph Nos. 1 through 44 of this Count IV.

42. At all times pertinent hereto, Defendant GUO was and is a Master Herbalist, licensed acupuncturist, and practitioner of Traditional Chinese Medicine practicing in Cook County in the State of Illinois. Defendant GUO is also believed to be a medical doctor, although he is not a licensed physician.

43. Defendant GUO is the founder of Defendants LIFE RISING, TON SHEN, and NATURE'S HEALTH.

44. Defendant GUO designed and created the formulas for and facilitates the preparation of Chinese herbs which are sold by him and LIFE RISING, TON SHEN, and NATURE'S HEALTH from Cook County in the State of Illinois.

45. LIFE RISING, TON SHEN, and NATURE'S HEALTH advertise on their website(s) that Defendant GUO is a Practitioner of Traditional Chinese Medicine and creates, designs, and facilitates the preparation of Chinese herbs.

46. Directly, and through Patrick Kennedy, D.C., a practitioner affiliated with GUO, LIFE RISING, TON SHEN, and NATURE'S HEALTH, Defendant GUO treated Plaintiff Delores Drury for various ailments and illnesses, including headaches, fatigue, joint aches and

pains, dizziness, and stomach/bowel irritation. Such treatment occurred from approximately November 2003 until February 2007.

47. From November 2003 until February 2007, directly and through Patrick Kennedy, D.C., Defendant GUO sold and prescribed Chinese herbs created and manufactured by LIFE RISING, TON SHEN, NATURE'S HEALTH, and GUO to Plaintiff. At all times pertinent hereto, Plaintiff Drury took such Chinese herbs at the direction and under the supervision of Defendant GUO and his affiliated practitioner, Patrick Kennedy, D.C.

48. There was a duty on the part on Defendant GUO to exercise that degree of care and caution commonly exercised by other practitioners in the community.

49. Despite the duty owed by Defendant GUO, Defendant GUO was guilty of one or more of the following negligent acts:

- (a) Defendant prescribed and sold to the Plaintiff Chinese herbs containing aristolochic acid and/or other substances toxic or harmful to the kidney even though he knew or should have known of the herbs' defective and unreasonably dangerous condition;
- (b) Defendant sold said Chinese herbs without accompanying instructions and/or warnings regarding the risks associated with kidney disease even though he knew or should have known of the herbs' defective and unreasonably dangerous condition;

- (c) Defendant failed to research or learn about the potential dangers and side effects associated with said Chinese herbs and their potential contaminants;
- (d) Defendant failed to properly monitor Plaintiff's condition and detect that her kidneys were at risk;
- (e) Defendant failed to perform proper and adequate diagnostic testing, blood/lab work, and other examinations to detect whether Plaintiff's kidneys were at risk; and
- (f) Defendant failed to direct that others, including his affiliated practitioner, Patrick Kennedy, D.C., properly monitor Plaintiff's condition and detect that her kidneys were at risk or perform proper and adequate diagnostic testing, blood/lab work, and other examinations to detect whether Plaintiff's kidneys were at risk.

50. As a direct and proximate result of Defendant's negligence and breaches of his duties of reasonable care, Plaintiff Delores Drury developed kidney disease, and Plaintiff has been caused to undergo a kidney transplant, depend on immunosuppressants, and suffer related injuries and illnesses.

51. Attached hereto is the Affidavit of Plaintiff's Attorney pursuant to Illinois Supreme Court Rule 222(b).

WHEREFORE, Plaintiff Delores Drury asks that this Court enter judgment in her favor and against Defendant ZHENGANG GUO in an amount in excess of the jurisdictional amount of this Court.

**COUNT IV – RESPONDENT IN DISCOVERY –  
FORSYTH CHIROPRACTIC CENTRE, P.C.**

1-50. Plaintiff restates and re-alleges Paragraph Nos. 1 through 50 of this Complaint as though fully set forth in Paragraph Nos. 1 through 50 of this Count IV.

51. The Respondent in Discovery Forsyth Chiropractic Centre, P.C., through its agents and/or employees, rendered care and treatment to Plaintiff Delores Drury during the time material to the allegations herein and is in possession of information relevant to the facts as alleged in the foregoing Counts and is being named as a Respondent in Discovery so that it may be required to respond to discovery pursuant to 735 ILCS 5/2-402.

WHEREFORE, Plaintiff Delores Drury requests that Forsyth Chiropractic Centre, P.C., respond to any and all discovery initiated pursuant to this litigation and in accordance with the applicable provisions of the Illinois Code of Civil Procedure.

**COUNT V – RESPONDENT IN DISCOVERY – PATRICK KENNEDY, D.C.**

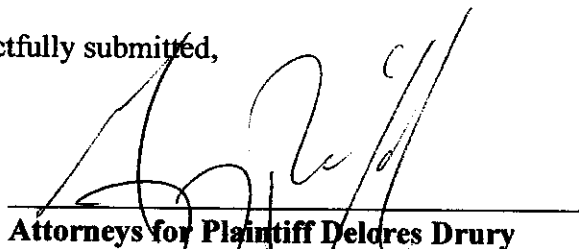
1-51. Plaintiff restates and re-alleges Paragraph Nos. 1 through 51 of this Complaint as though fully set forth in Paragraph Nos. 1 through 51 of this Count V.

52. The Respondent in Discovery Patrick Kennedy, D.C., rendered care and treatment to Plaintiff Delores Drury during the time material to the allegations herein and is aware of the relevant facts as alleged in the foregoing Counts and is being named as a Respondent in Discovery so that he may be required to respond to discovery pursuant to 735 ILCS 5/2-402.

WHEREFORE, Plaintiff Delores Drury requests that Patrick Kennedy, D.C., respond to any and all discovery initiated pursuant to this litigation and in accordance with the applicable provisions of the Illinois Code of Civil Procedure.

Respectfully submitted,

By:



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