

COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO

CHRISTOPHER PLEVNIAK,
ADMINISTRATOR OF THE ESTATE OF
AUTUMN PLEVNIAK, Deceased
1235 Townsend Avenue
Youngstown, Ohio 44505

and

CHRISTOPHER PLEVNIAK, INDIVIDUALLY
AND AS NATURAL PARENT AND
GUARDIAN OF AUTUMN PLEVNIAK
1235 Townsend Avenue
Youngstown, Ohio 44505

and

SHIRLEY C. PLEVNIAK, INDIVIDUALLY
AND AS NATURAL PARENT AND
GUARDIAN OF AUTUMN PLEVNIAK
1235 Townsend Avenue
Youngstown, Ohio 44505

Plaintiffs

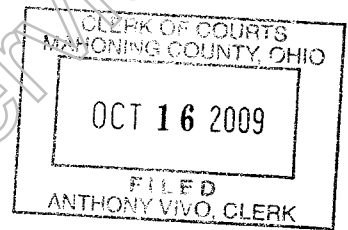
- vs -

BARR LABORATORIES, INC.
225 Summit Avenue
Montvale, NJ 07645
c/o Corporate Creations Network, Inc.
3411 Silverside Road
Rodney Building #104
Wilmington, DE 19810

and

BAYER HEALTHCARE
PHARMACEUTICALS, LLC.
c/o Corporation Service Company
2711 Centerville Road, Suite 400
Wilmington, DE 19808

CASE NO. 09 CV 3952
JUDGE EVANS



COMPLAINT FOR WRONGFUL
DEATH

DEMAND FOR JURY TRIAL

to the users of Claravis; and

c. Defendant Barr Laboratories negligently failed to affix warnings securely and safely to said users of Claravis about its side effects, including, but not limited to depression and suicidal thoughts.

COUNT TWO

6. Plaintiffs re-allege paragraphs 1 through 5 of this Complaint as if fully rewritten herein.

7. Plaintiff, Christopher Plevniak, is the Administrator of the Estate of Autumn Plevniak, having been appointed in the Trumbull County Court of Common Pleas, Probate Division, Case No. 2008 EST 0652, a certified copy of which appointment is attached hereto as Exhibit "A".

8. Plaintiffs' decedent left surviving her, Shirley C. Plevniak, her natural mother, and Christopher Plevniak, her natural father.

9. On the 19th day of October, 2007, Autumn Plevniak took her own life as a result of the negligence of the Defendant, Barr Laboratories, its agents, designees, and employees, said negligence proximately causing the death of Autumn Plevniak, and said negligence proximately causing severe depression, suicidal thoughts, pain and suffering prior to her death, and the ultimate taking of her own life.

10. Defendant, Barr Laboratories, its agents, designees and employees failed to properly warn and instruct Plaintiffs on these possible effects.

11. Said negligence consisted of the Defendant, Barr Laboratories, its agents, designees, and employees, failing to warn users of Claravis of the damages and/or side effects of depression and suicidal thoughts.

12. Before her death, Plaintiffs' decedent, Autumn Plevniak, was in reasonably good health and capable of earning a substantial income, with reasonable expectations of advancement in the future and substantial increases in salary.

13. As a direct result of the negligence of the Defendant, Barr Laboratories, the decedent's natural parents, Christopher Plevniak and Shirley C. Plevniak, have been deprived of the loss of society, love, companionship, affection, comfort, services, and solace of the decedent, Autumn Plevniak, through the negligence of the Defendant.

14. Funeral expenses were incurred in the amount of \$8,963.70, by reason of the wrongful death of Plaintiffs' decedent; other expenses were also incurred.

15. Plaintiffs' decedent, Autumn Plevniak, underwent great pain and suffering, and mental anguish from the time she started taking her Claravis prescription to the time of her death.

COUNT THREE

16. Plaintiffs re-allege paragraphs 1 through 15 of this Complaint as if fully rewritten herein.

17. Defendant Bayer Healthcare Pharmaceuticals, LLC (hereinafter "Bayer Healthcare") is a Limited Liability Corporation organized under the laws of the State of Delaware and doing business in the State of Ohio, including Mahoning and Trumbull Counties, Ohio.

18. Defendant Bayer Healthcare is a manufacturer and distributor of a pharmaceutical agent known as YAZ, which it advertises to be prescribed for, among other things, the treatment of Acne ("Acne").

19. YAZ is taken orally on a daily basis, which Defendant Bayer Healthcare claims will, among other things, treat Acne ("Acne").

20. YAZ is unsafe for its intended use by reason of the following effects:
- a. The development of depression and suicidal thoughts;
 - b. Proper warnings and/or instructions were not made available by Defendant Bayer Healthcare to the users of YAZ; and
 - c. Defendant Bayer Healthcare negligently failed to affix warnings securely and safely to said users of YAZ about its side effects, including, but not limited to depression and suicidal thoughts.

COUNT FOUR

21. Plaintiffs re-allege paragraphs 1 through 20 of this Complaint as if fully rewritten herein.

22. Plaintiff, Christopher Plevniak, is the Administrator of the Estate of Autumn Plevniak, having been appointed in the Trumbull County Court of Common Pleas, Probate Division, Case No. 2008 EST 0652, a certified copy of which appointment is attached hereto as Exhibit "A".

23. Plaintiffs' decedent left surviving her, Shirley C. Plevniak, her natural mother, and Christopher Plevniak, her natural father.

24. On the 19th day of October, 2007, Autumn Plevniak took her own life as a result of the negligence of the Defendant, Bayer Pharmaceuticals, its agents, designees, and employees, said negligence proximately causing the death of Autumn Plevniak, and said negligence proximately causing severe depression, suicidal thoughts, pain and suffering prior to her death, and the ultimate taking of her own life.

25. Defendant, Bayer Pharmaceuticals, its agents, designees and employees failed to properly warn and instruct Plaintiffs on these possible effects.

26. Said negligence consisted of the Defendant, Bayer Pharmaceuticals, its agents, designees, and employees, failing to warn users of YAZ of the damages and/or side effects of depression and suicidal thoughts.

27. Before her death, Plaintiffs' decedent, Autumn Plevniak, was in reasonably good health and capable of earning a substantial income, with reasonable expectations of advancement in the future and substantial increases in salary.

28. As a direct result of the negligence of the Defendant, Bayer Pharmaceuticals, the decedent's natural parents, Christopher Plevniak and Shirley C. Plevniak, have been deprived of the loss of society, love, companionship, affection, comfort, services, and solace of the decedent, Autumn Plevniak, through the negligence of Defendant Bayer Pharmaceuticals.

29. Funeral expenses were incurred in the amount of \$8,963.70, by reason of the wrongful death of Plaintiffs' decedent; other expenses were also incurred.

30. Plaintiffs' decedent, Autumn Plevniak, underwent great pain and suffering and mental anguish from the time she started taking her Claravis prescription to the time of her death.

COUNT FIVE

31. Plaintiffs reallege paragraphs 1 through 30 of this Complaint as if fully rewritten herein.

32. During the period of November 2006, through the Decedent's death, Plaintiffs' decedent, Autumn Plevniak, was under the professional care of Defendant, Susan G. Woods (hereinafter "Woods").

33. Defendant Woods was negligent, careless, and or reckless in her professional treatment of Plaintiffs' Decedent, and Defendant Woods deviated from the standard of care in her

treatment of Plaintiffs' Decedent.

34. AS a direct and proximate result of the negligence, carelessness and/or recklessness of Defendant Woods, and as a direct and proximate result of Defendant Woods' deviation from the standard of care and the treatment of Plaintiffs' Decedent, Plaintiffs' Decedent suffered severe depression, suicidal thoughts, pain and suffering prior to her death, and the ultimate taking of her own life on October 19, 2007.

35. But for the negligence, carelessness and/or recklessness of Defendant Woods, and but for Defendant Woods' deviation from the standard of care and treatment of Plaintiffs' Decedent, Plaintiffs' Decedent would have survived.

36. As a direct and proximate result of the conduct complained of which resulted in permanent injuries and grievous pain and suffering to Plaintiffs' Decedent between November 2006 and November 2007, and which ultimately resulted in the suicide of Plaintiffs' Decedent, the decedent's natural parents, Christopher Plevniak and Shirley C. Plevniak, have been deprived of the loss of society, love, companionship, affection, comfort, services and solace of the decedent, Autumn Plevniak, through Defendant Woods' negligence.

37. Funeral expenses were incurred in the amount of \$8,963.70, by reason of the wrongful death of Plaintiffs' decedent; other expenses were also incurred.

38. Plaintiffs' decedent, Autumn Plevniak, underwent great pain and suffering and mental anguish from the time she started taking her Claravis prescription to the time of her death.

COUNT SIX

39. Plaintiffs reallege paragraphs 1 through 38 of this Complaint as if fully rewritten herein.

40. Defendant Walgreens sold the aforementioned products to the decedent when they were not fit for the purposes intended and failed to do any proper investigation of whether the aforementioned products were reasonably fit for the purposes intended.

WHEREFORE, Plaintiffs demand Judgment against the Defendants as follows:

1. Compensatory Damages in the excess of \$25,000.00;
2. Interest on said judgment from October 19, 2007;
3. The costs of this action; and
4. Reasonable counsel fees.

Respectfully submitted,


JOHN A. McNALLY, III, CO., L.P.A.



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ATTORNEY FOR PLAINTIFFS

JURY DEMAND

Plaintiffs hereby demand a trial by jury in this matter.



JOHN A. McNALLY, III (#0006028)
ATTORNEY FOR PLAINTIFFS