COMP
LESLIE MARK STOVALL, ESQ.
Nevada Bar No. 2566
RICHARD WALTJEN, ESQ.
Nevada Bar No. 13416
STOVALL & ASSOCIATES
2301 Palomino Lane
Las Vegas, NV 89107
Phone: 702-258-3034
E-Service: court@lesstovall.com
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

DEVRA HANEY-WILLIAMS

Plaintiffs,

vs.

GLAXOSMITHKLINE, SAM'S WEST, INC., dba SAM'S PHARMACY #10-4974,

Defendants.

CASE NO.: A-17-763462-C

DEPT. NO.: Department 10

COMPLAINT

COMES NOW, Plaintiff, by and through her attorneys, Stovall & Associates, and for her cause of action against the Defendants, and each of them, alleges as follows:

I.

That Plaintiff, DEVRA HANEY-WILLIAMS, is and at all times mentioned herein, was a resident of the County of Clark, State of Nevada.

II.

That Defendant, GLAXOSMITHKLINE is, and at all times mentioned herein, was a foreign corporation doing business in Clark County, Nevada.

III.

That Defendant, SAM'S WEST, INC., dba SAM'S PHARMACY #10-4974 is a foreign corporation, operating as SAM'S CLUB PHARMACY #4974, Nevada Pharmacy license # PH02316 in Clark County, Nevada.

IV.

That the identities and the capacities of the Defendants designated herein as DOES I-X or ROE CORPORATIONS I-X, are unknown to Plaintiff at this time, but are believed to be individuals, partnerships, companies and corporations who designed, manufactured and distributed Lamictal causing plaintiff's injuries on or about October 25, 2015, in Clark County, Nevada.

V.

That at all times mentioned herein, the named Defendants, including but not limited to, DOES 1-X or ROE CORPORATIONS I-X, were agents, servants, employees or joint venturers of every other Defendant named herein, and at all times mentioned herein were acting within the scope and course of said agency, employment or joint venture with knowledge and permission and consent of all other named Defendants design, manufacture and distribution of the Lamictal causing plaintiff's injuries on or about October 25, 2015, in Clark County, Nevada.

VI.

That Defendant GLAXOSMITHKLINE designs, manufactures and distributes a prescription drug named Lamictal in Clark County, Nevada, and Defendant SAM'S PHARMACY dispenses Lamictal in Clark County, Nevada.

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VII.

That on September 25, 2015, Plaintiff was prescribed 25mg of Lamictal to be taken daily for one week, and then 50mg of Lamictal to be taken daily on the second week. The dosage was to increase on a weekly basis, up to 125mg of Lamictal by the fifth week.

VIII.

That the manufacturer's recommended escalation regimen for Patients older than 12 years with epilepsy and not taking other epilepsy medication is:

Weeks 1 and 2	25mg every day
Weeks 3 and 4	50mg every day
Week 5 and up	increase by 50mg per day every 1 to 2 weeks.

IX.

That Defendant GLAXOSMITHKLINE published General Dosing Considerations for Lamictal which in pertinent part states:

> There are suggestions, yet to be proven, that the risk of severe, potentially life-threatening rash may be increased by (1) coadministration of Lamictal with valproate, (2) exceeding the recommended initial dose of Lamictal, or (3) exceeding the recommended does escalation for Lamictal.
>
> Lamictal Starter Kits and Lamictal ODT® Patient Titration Kist provide Lamictal at doses consistent with the recommended titration schedule for the first 5 weeks of treatment, based upon comcomitant medication, for patients with epilepsy (older than 12 years) and bipolar I disorder (adults) and are intended to help reduce the potential for rash. The use of Lamictal Starter Kits and Lamictal ODT Patient Titration Kits is recommended for appropriate patients who are starting or restarting Lamictal.

X.

That Defendant GLAXOSMITHKLINE's warning label on the prescription drug Lamictal is a black box warning which states in pertinent part:

"WARNING: SERIOUS SKIN RASHES

Lamictal® can cause serious rashes requiring hospitalization and discontinuation of treatment. The incidence of these rashes, which have included Stevens-Johnson syndrome, is approximately 0.3% to 0.8% in pediatric patients (aged 2 to 17 years) and 0.08% to 0.3% in adults receiving Lamictal. One rash-related death was reported in a prospectively followed cohort of 1.983 pediatric patients (aged 2-16 years) with epilepsy taking Lamictal as adjunctive therapy. In worldwide postmarketing experience, rare cases of toxic epidermal necrolysis and/or rash-related death have been reported in adult and pediatric patients, but their numbers are too few to permit a precise estimate of the rate.

Other than age, there are as yet no factors identified that are known to predict the risk of occurrence or the severity of rash caused by Lamictal. There are suggestions, yet to be proven, that the risk of rash may also be increased by (1) coadministration of Lamictal with valproate (includes valproic acid and divalproex sodium), (2) exceeding the recommended initial dose of Lamictal, or (3) exceeding the recommended dose escalation for Lamictal. However, cases have occurred in the absence of these factors.

Nearly all cases of life-threatening rashes caused by Lamictal have occurred with 2 to 8 weeks of treatment initiation. However, isolated cases have occurred after prolonged treatment (e.g. 6 months). Accordingly, duration of therapy cannot be relied upon as means to predict the potential risk heralded by the first appearance of a rash.

Although benign rashes are also caused by Lamictal, it is not possible to predict reliably which rashes will prove to be serious or life threatening. Accordingly, Lamictal should ordinarily be discontinued at the first sign of rash, unless the rash is clearly not drug related. Discontinuation of treatment may not prevent a rash from becoming life threatening or permanently disabling or disfiguring."

XI.

That Defendant GLAXOSMITHKLINE black box label does not provide adequate warning of the risk of Toxic Epidermal Necrolysis which is characterized as the blistering and loss of skin over thirty percent (30%) or more of the body, including tissue covering the eyes.

XII.

That Defendants' black box label does not warn that the prescription drug Lamictal can cause blindness.

XIII.

That the Defendants' black box label fails to provide adequate warning of the high risk of death associated with Toxic Epidermal Necrolysis.

XIV.

In fact, the Defendants' black box label minimizes the risk of Toxic Epidermal Necrolysis by stating:

> "In worldwide postmarketing experience, rare cases of toxic epidermal necrolysis and/or rash-related death have been reported in adult and pediatric patients, but their numbers are too few to permit a precise estimate of the rate."

XV.

That on October 6, 2015, Defendant, SAMS PHARMACY dispensed to Plaintiff the drug Lamictal.

XVI.

That Defendant, SAMS PHARMACY did not provide a Starter Kit or a Medication Guide as recommended by Defendant GLAXOSMITHKLINE.

XVII.

That SAM'S PHARMACY was on notice that this was Plaintiff's initial use of Lamictral.

XVIII.

That SAM'S PHARMACY dispensed one bottle of 100mg tablets (270 count) of Lamictal, rather than the prescribed 25 mg tablets (90 count) of Lamictal.

XIX.

That on or about October 13, 2015, Plaintiff began taking the 100 mg tablets of Lamictal at the rate of one tablet per day, rather than the 25mg tablets that were prescribed.

XX.

That on or about October 24, 2015, Plaintiff was admitted to Mountain View Hospital, and then transferred to UMC burn unit on or about October 25, 2015, with a diagnosis of Toxic Epidermal Necrolysis.

XXI.

That Plaintiff suffered Toxic Epidermal Necrolysis causing blistering and loss of skin over eighty percent (80%) of her entire body, including tissue covering her eyes, rendering her permanently blind.

XXII.

That Defendants' product, Lamictal was rendered unreasonably dangerous by Defendants' insufficient warning label because it is more dangerous than would be contemplated by the ordinary user having ordinary knowledge available in the community.

XXIII.

That the aforementioned acts of Defendant GLAXOSMITHKLINE rendered Lamictal unreasonably dangerous product for use by the Plaintiff, and making Defendant GLAXOSMITHKLINE strictly liable for injuries and damaged suffered by plaintiff in a sum of excess of $15,000.00.

XXIV.

That the aforementioned acts of Defendant SAM'S PHARMACY were negligent and as a direct and proximate result thereof the Plaintiff has suffered damages in an excess of $15,000.00.

XXV.

That as a direct and proximate result of the aforementioned insufficient warning label of Lamictal, rendering Defendant GLAXOSMITHKLINE's product unreasonably dangerous,

Plaintiff DEVRA HANEY-WILLIAMS sustained injuries to her neck, head, back and bodily limbs, organs and systems, eighty percent of her skin, including her eyes, and blindness, along with neurological injuries, all or some of which conditions may be permanent and disabling and, all to her damage in a sum in excess of $15,000.00.

XXVI.

That as direct and proximate result of the aforementioned negligence of Defendant SAM'S PHARMACY the Plaintiff DEVRA HANEY-WILLIAMS sustained injuries to her neck, head, back and bodily limbs, organs and systems, eighty percent of her skin, including her eyes, and blindness, along with neurological injuries, all or some of which conditions may be permanent and disabling and, all to her damage in a sum in excess of $15,000.00.

XXVII.

That as a direct and proximate result of the aforementioned negligence of the defendants, Plaintiff did receive past medical and other treatment for her injuries and that said services, care and treatment are continuing and shall continue in the future, all to the plaintiff's damage in a sum in excess of $15,000.00.

XXVIII.

That the injuries complained of herein, diminished the Plaintiff's ability and capacity to engage in activities to the same extent as prior to the injury which is the subject of this complaint all to the Plaintiff's damages in a sum in excess of $15,000.00

XXIX.

That Plaintiff has required to engage the services of an attorney, incurring attorney's fees and costs to bring this action.

WHEREFORE, Plaintiff expressly reserving her right to amend this complaint at the time of, or prior to trial, prays judgment against the Defendants, as follows:

1. For general damages sustained by Plaintiff in a sum in excess of $15,000.00;
2. For special damages sustained by Plaintiff in a sum in excess of $15,000.00;
3. For attorney's fees and costs of suit incurred herein;
4. For interest at the statutory rate;
5. For such other and further relief as the Court deems just and proper in the premises.

DATED this 10 day of October, 2017.

STOVALL & ASSOCIATES

LESLIE MARK STOVALL, ESQ.
Nevada Bar No. 2566
RICHARD WALTJEN, ESQ.
Nevada Bar No. 13416
2301 Palomino Lane
Las Vegas, NV 89107
Tel.: 702-258-3034
Attorney for Petitioner