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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **SAN FRANCISCO DIVISION**

9 **IN RE JUUL LABS, INC., MARKETING,**
10 **SALES PRACTICES, AND PRODUCTS**
11 **LIABILITY LITIGATION**

Case No. 3:19-md-02913-WHO

Honorable William H. Orrick

12 **This Document Relates to:**

JURY TRIAL DEMANDED

13 KIMBERLY HIXSON

14 **SHORT-FORM COMPLAINT AND DEMAND FOR JURY TRIAL**
15 **(PERSONAL INJURY)**

16 The Plaintiff(s) named below file(s) this *Short-Form Complaint and Demand for Jury Trial*
17 against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s)
18 by reference the allegations contained in *Plaintiffs' Consolidated Master Complaint (Personal*
19 *Injury)*, in *In re Juul Labs, Inc., Marketing, Sales Practices, and Products Liability Litigation*, MDL
No. 2913 in the United States District Court for the Northern District of California. Plaintiff(s) file(s)
this *Short-Form Complaint* as permitted by Case Management Order No. 7 of this Court.

20 Plaintiff(s) select and indicate by checking-off where requested, the Parties and Causes of
21 Actions specific to this case.¹

22 Plaintiff, by and through their undersigned counsel, allege as follows:

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26 ¹ If Plaintiff wants to allege additional Cause(s) of Action other those selected in paragraph 10, the specific
27 facts supporting any such additional Cause(s) of Action, must be pled in a manner complying with the
requirements of the Federal Rules of Civil Procedure (*see* paragraph 11). In doing so you may attach additional
pages to this *Short-Form Complaint*.

1 **I. DESIGNATED FORUM²**

- 2 1. Identify the Federal District Court in which the Plaintiff would have filed in the
3 absence of direct filing:

4 EASTERN DISTRICT OF TENNESSEE

5 _____
6 (“Transferee District Court”).

7 **II. IDENTIFICATION OF PARTIES**

8 **A. PLAINTIFF(S)**

- 9 2. *Injured Plaintiff(s)*: Name of the individual injured due to use of JUUL products:

10 Kimberly Hixson

11 _____
12 (“Plaintiff”).

- 13 3. At the time of the filing of this *Short-Form Complaint*, Plaintiff resides at:

14 Greenville, Tennessee

- 15 4. *Consortium Plaintiff*: Name of the individual(s) that allege damages for loss of
16 consortium:

17 N/A

18 _____
19 (“Consortium Plaintiff”).

- 20 5. *Survival and/or Wrongful Death Claims*:

- 21 (a) Name and residence of Decedent Plaintiff when he/or she suffered a JUUL
22 related death:

23 N/A

- 24 (b) Plaintiff/Decedent died on:

25 N/A

- 26 (c) Plaintiff is filing this case in a representative capacity as the _____ of
27 the _____ having been duly appointed as such by the Court of
28 _____.

² See Case Management Order No. 3, at II(C) (ECF No. 309).

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B. DEFENDANT(S)

6. Plaintiff(s) name(s) the following Defendants in this action:

- JUUL LABS, INC., previously d/b/a as PAX LABS, INC. and PLOOM INC.;³
- ALTRIA GROUP, INC.;⁴
- PHILIP MORRIS USA, INC.;⁵
- ALTRIA CLIENT SERVICES LLC;⁶
- ALTRIA GROUP DISTRIBUTION COMPANY;⁷
- ALTRIA ENTERPRISES LLC;⁸

THE MANGEMENT DEFENDANTS

- JAMES MONSEES;⁹
- ADAM BOWEN;¹⁰
- NICHOLAS PRITZKER;¹¹
- HOYOUNG HUH;¹²
- RIAZ VALANI;¹³

THE E-LIQUID MANUFACTURING DEFENDANTS

³ Delaware corporation, with its principal place of business in San Francisco, California.

⁴ Virginia corporation, with its principal place of business in Richmond, Virginia.

⁵ Virginia corporation with its principal place of business in Richmond, Virginia.

⁶ Virginia limited liability company with its principal place of business in Richmond, Virginia.

⁷ Virginia corporation with its principal place of business in Richmond, Virginia.

⁸ Virginia limited liability company with its principal place of business in Richmond, Virginia.

⁹ A resident of California.

¹⁰ A resident of California.

¹¹ A resident of California.

¹² A resident of California.

¹³ A resident of California.

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MOTHER MURPHY'S LABS, INC.;¹⁴

ALTERNATIVE INGREDIENTS, INC.;¹⁵

TOBACCO TECHNOLOGY, INC.;¹⁶

eLIQUITECH, INC.;¹⁷

THE DISTRIBUTOR DEFENDANTS

MCLANE COMPANY, INC.;¹⁸

EBY-BROWN COMPANY, LLC;¹⁹

CORE-MARK HOLDING COMPANY, INC.;²⁰

THE RETAILER DEFENDANTS

CHEVRON CORPORATION;²¹

CIRCLE K STORES INC.;²²

SPEEDWAY LLC;²³

7-ELEVEN, INC.;²⁴

WALMART;²⁵

¹⁴ North Carolina corporation, with a principal place of business in North Carolina.

¹⁵ North Carolina corporation, with a principal place of business in North Carolina.

¹⁶ Maryland corporation, with a principal place of business in Maryland.

¹⁷ Maryland corporation, with a principal place of business in Maryland.

¹⁸ Texas corporation with a principal place of business in Texas.

¹⁹ Delaware limited liability company with a principal place of business in Illinois.

²⁰ Delaware corporation. From 2015-2018, principal place of business California; as of 2019, principal place of business Texas.

²¹ Delaware corporation with a principal place of business in California.

²² Texas corporation with a principal place of business in Arizona.

²³ Delaware corporation with a principal place of business in Ohio.

²⁴ Texas corporation with a principal place of business in Texas.

²⁵ Delaware corporation with a principal place of business in Arkansas.

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WALGREENS BOOTS ALLIANCE, INC.²⁶

C. PRODUCT USE

7. Plaintiff used JUUL during the time period including from approximately January 2019 to approximately November 2019 and that use caused and or substantially contributed to his/her injury.

D. PHYSICAL INJURY²⁷

8. The Plaintiff(s) experienced the following physical condition, injury or illness alleged to have been caused and or contributed to as a substantial factor by JUUL:

ADDICTION

NICOTINE POISONING

BEHAVIORAL ISSUES/MENTAL HEALTH (check all that apply):

ANGER/OUTBURSTS

MOOD SWINGS

IRRITABILITY

SUICIDAL THOUGHTS

SUICIDAL ATTEMPTS

DEATH BY SUICIDE

OTHER (specify): Anxiety

COGNITIVE ISSUES (check all that apply):

ATTENTION DEFICIT DISORDER

LEARNING IMPAIRMENTS

LACK OF CONCENTRATION

TROUBLE SLEEPING

²⁶ Delaware corporation with a principal place of business in Illinois.

²⁷ Plaintiff(s) must check-off all physical injuries allegedly caused by Plaintiff's use of JUUL. Plaintiff is not required to plead here emotional or psychological injuries, or all manifestations of the physical injury alleged which will be inquired into as part of the Plaintiff's Fact Sheet ("PFS"). This *Short-Form Complaint* assumes that emotional and psychological damages are asserted by the Plaintiff.

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OTHER (specify): _____

CARDIOVASCULAR (check all that apply):

HEART ATTACK

OTHER CARDIOVASCULAR DIAGNOSIS (specify)

NEUROLOGIC (check all that apply):

SEIZURES

STROKE

RESPIRATORY/LUNG (check all that apply):

ACUTE EOSINOPHILIC PNEUMONIA/PULMONARY EOSINOPHILIA

ACUTE INTERSTITIAL PNEUMONITIS OR ACUTE PNEUMONIA

ACUTE RESPIRATORY DISTRESS SYNDROME (ARDS)

ASTHMA

BRONCHITIS

CHRONIC LUNG PROBLEMS

CHRONIC OBSTRUCTIVE PULMONARY DISEASE (COPD)

E-CIGARETTE, OR VAPING, PRODUCT USE ASSOCIATED LUNG INJURY (EVALI)

ESPHYSEMA

LIPOID PNEUMONIA

LUNG TRANSPLANT

OTHER SPECIFIED INTERSTITIAL PULMONARY DISEASE

PNEUMONIA (any type) (specify): _____

POPCORN LUNG/BRONCHIOLITIS OBLITERANS

DEATH

OTHER PERSONAL INJURIES (specify): _____

9. The physical condition, injury or illness alleged in paragraph 7 occurred on or about:

At some point after Plaintiff being using JUUL, as set forth in paragraph 7 above.

V. CAUSES OF ACTION ASSERTED

10. The following Causes of Action asserted in the *Plaintiffs’ Consolidated Master Complaint (Personal Injury)*, and the allegations with regard thereto in the *Plaintiffs’ Consolidated Master Complaint (Personal Injury)*, are adopted in this *Short Form Complaint* by reference:

Check if Applicable	Cause of Action Number	Cause of Action
<input checked="" type="checkbox"/>	I	STRICT LIABILITY - DESIGN DEFECT
<input checked="" type="checkbox"/>	II	STRICT LIABILITY - FAILURE TO WARN
<input checked="" type="checkbox"/>	III	STRICT LIABILITY - MANUFACTURING DEFECT
<input checked="" type="checkbox"/>	IV	PRODUCTS LIABILITY - NEGLIGENT DESIGN
<input checked="" type="checkbox"/>	V	PRODUCTS LIABILITY –NEGLIGENT FAILURE TO WARN
<input checked="" type="checkbox"/>	VI	PRODUCTS LIABILITY – NEGLIGENT MANUFACTURING
<input checked="" type="checkbox"/>	VII	NEGLIGENCE AND/OR GROSS NEGLIGENCE
<input checked="" type="checkbox"/>	VIII	NEGLIGENT FAILURE TO RECALL/ RETROFIT
<input checked="" type="checkbox"/>	IX	NEGLIGENT MISREPRESENTATION
<input checked="" type="checkbox"/>	X	FRAUD
<input checked="" type="checkbox"/>	XI	FRAUDULENT CONCEALMENT
<input checked="" type="checkbox"/>	XII	CONSPIRACY TO COMMIT FRAUD
<input checked="" type="checkbox"/>	XIII	UNJUST ENRICHMENT
<input checked="" type="checkbox"/>	XIV	VIOLATION OF UNFAIR TRADE PRACTICES/CONSUMER PROTECTION LAW and specify which state’s statute below Tennessee Consumer Protection Act of 1977 (TCPA) §47-18-101, <i>et seq.</i>

Check if Applicable	Cause of Action Number	Cause of Action
<input checked="" type="checkbox"/>	XV	BREACH OF EXPRESS WARRANTY
<input checked="" type="checkbox"/>	XVI	BREACH OF AN IMPLIED WARRANTY OF MERCHANTABILITY
<input type="checkbox"/>	XVII	WRONGFUL DEATH
<input type="checkbox"/>	XVIII	SURVIVAL ACTION
<input type="checkbox"/>	XIX	LOSS OF CONSORTIUM

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1 **VI. ADDITIONAL CAUSES OF ACTION**

2 **NOTE**

3 If Plaintiff wants to allege additional Cause(s) of Action other those selected in paragraph 10, the
4 specific facts supporting any such additional Cause(s) of Action, must be pled in a manner complying
5 with the requirements of the Federal Rules of Civil Procedure (*see* paragraph 11). In doing so you may
6 attach additional pages to this *Short-Form Complaint*.

7 11. Plaintiff(s) assert(s) the following additional theories against the Defendants
8 designated in paragraph 6 above:

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17 **WHEREFORE**, Plaintiff(s) pray(s) for relief and judgment against Defendants for
18 compensatory, treble, and punitive damages, medical monitoring to diagnose JUUL induced injuries
19 at an earlier date to allow for timely treatment and prevention of exacerbation of injuries, together
20 with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper, and
21 such further relief as the Court deems equitable and just, and as set forth in the *Plaintiffs'*
22 *Consolidated Master Complaint (Personal Injury)*.
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JURY DEMAND

Plaintiff(s) hereby demand a trial by jury as to all claims in this action.

/s/ John J. Foley
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