

EXHIBIT “A”

SUMMONS (AMENDED) (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

CVS HEALTH CORPORATION; CVS PHARMACY, INC.; FIRST DATABANK, INC.

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

ANABELLA NGUYEN and TIM NGUYEN

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

Stanley Mosk Courthouse, 111 N Hill St, Los Angeles, CA 9001

CASE NUMBER: (Número del Caso):
20STCV08079

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Curtis Hoke, The Miller Firm, LLC, 108 Railroad Ave. Orange, VA 22960, 540-672-4224

DATE: 07/14/2021

Clerk, by

, Deputy

(Fecha)

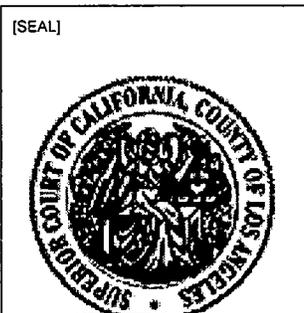
Sherri R. Carter Executive Officer / Clerk of Court (Secretario)

J. Lara

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)



NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify): **CVS Pharmacy, Inc.**
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
- by personal delivery on (date)

1 Curtis G. Hoke (SBN 282465)
2 **THE MILLER FIRM, LLC**
3 108 Railroad Avenue
4 Orange, VA 22960
5 Telephone: (540) 672-4224
6 Facsimile: (540) 672-3055
7 Email : choke@millerfirmllc.com

8 *Attorneys for Plaintiffs*

9 **SUPERIOR COURT OF CALIFORNIA**

10 **COUNTY OF LOS ANGELES**

11 **(Unlimited Civil)**

12 ANABELLA NGUYEN and TIM NGUYEN,

13 Plaintiffs,

14 v.

15 CVS HEALTH CORPORATION; CVS
16 PHARMACY, INC.; FIRST DATABANK, INC.,

17 Defendants.

Case No.: 20STCV08079

**FIRST AMENDED COMPLAINT FOR
DAMAGES AND DEMAND FOR JURY
TRIAL**

1. **Negligence**
2. **Strict Liability – Failure to Warn**
3. **Loss of Consortium**

JURY TRIAL DEMANDED

18 **FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL¹**

19 Plaintiffs, Anabella Nguyen and Tim Nguyen (collectively referred to as "Plaintiffs"),
20 allege against CVS Health Corporation, CVS Pharmacy, Inc., and First Databank, Inc.
21 ("Defendants") as follows.
22

23 **I. PARTIES AND JURISDICTION**

- 24 1. Plaintiff Anabella Nguyen is a natural person currently residing in California.

25
26
27
28 ¹ This First Amended Complaint is filed pursuant to C.C.P. § 472(a).

1 2. Plaintiff Tim Nguyen is a natural person currently residing in California and the spouse of
2 Anabella Nguyen.

3 3. CVS Health Corporation is a Delaware corporation with its principal place of business in
4 Rhode Island.

5 4. CVS Pharmacy, Inc. is a Rhode Island corporation with a principal place of business in Rhode
6 Island.

7 5. First Databank, Inc. is a Missouri Corporation with a principle place of business in South San
8 Francisco, California.

9 6. Upon information and belief, CVS Health Corporation, CVS Pharmacy, Inc., First Databank,
10 Inc. are companies doing business in California.

11 7. Jurisdiction is proper as Defendants conducted business in California and all relevant actions to
12 the claim described in detail below occurred in California. Further, Defendant First Databank, Inc. is a
13 resident of the State of California.
14

15 8. Venue is proper because the events giving rise to this action occurred Los Angeles County as
16 Plaintiff was diagnosed with her injuries at Keck Hospital in Los Angeles.
17

18 9. This matter is a negligence and product liability action filed pursuant to the laws of California.

19 II. STATEMENT OF FACTS

20 10. Plaintiff Anabella Nguyen is a 44 year old female of Asian ancestry.

21 11. On February 3, 2018, Plaintiff Anabella Nguyen was diagnosed with Bells Palsy by Dr. Tim
22 Lai. Dr. Lai prescribed Plaintiff Tegretol ("Carbamazepine" is a generic form of Tegretol that will be
23 used interchangeably for the purposes of this complaint) to treat her Bells palsy.
24

25 12. Dr. Lai performed blood testing and recommended to Ms. Nguyen nd her primary care
26 physician that she go forward with the course of Tegretol on February 13, 2018.

27 13. Tegretol carries a significant risk of causing the debilitating skin disease known as Stevens
28

1 Johnson Syndrome (“SJS”) and/or Toxic Epidermal Necrolysis (“TEN”).

2 14. Tegretol contains a black box warning on its FDA approved labeling notifying doctors of its
3 potential to cause these serious skin diseases.

4 15. On Tegretol’s FDA approved labeling, Tegretol’s black box warning requires a screening for
5 the HLA-B*1502 allele before the medication can be prescribed to a patients of Asian ancestry. This
6 allele, which is a particular genetic marker indicated a significantly increased risk of a patient
7 contracting SJS/TEN, drastically changes the risk benefit analysis of a prescribing physician.

8 16. Plaintiff Anabella Nguyen is a person of Asian ancestry with the significantly higher risk of
9 being genetically susceptible to SJS/TEN and likely to have the HLA-B*1502 allele. Plaintiff
10 underwent blood testing prior to ingesting Tegretol and the blood testing did not test for the presence
11 of the HLA-B*1502 allele.
12

13 17. Plaintiff later developed a serious case of SJS/TEN as a result of ingesting Tegretol. After
14 contracting SJS/TEN, Plaintiff was tested for the HLA-B*1502 allele at St. Agnes Hospital and the lab
15 results came back positive for this allele.
16

17 18. Plaintiff asserts claims against Defendants for providing an inadequate warning.

18 19. Defendants drug monograph does not mention the HLA-B*1502 allele and Asian patients’
19 need for specific genetic allele testing prior to administration of Tegretol.

20 20. Plaintiff had no prior history of Tegretol usage as of February 3, 2018.

21 21. Dr. Lai did not tell Plaintiff the risks associated with Tegretol including SJS/TEN and the high
22 risks and recommended allele testing for Asian populations.

23 22. On February 14, 2018, CVS Pharmacy in Westminster California dispensed Tegretol to
24 Plaintiff.
25

26 23. CVS Pharmacy provided Ms. Nguyen with a Tegretol monograph that accompanied her bottle
27 of medication.
28

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