

EXHIBIT A

FILED IN OFFICE
CLERK OF SUPERIOR COURT
MURRAY COUNTY, GEORGIA
22-CI-0144
JIM WILBANKS
MAR 16, 2022 11:03 AM


Donna Flood, Clerk
Murray County, Georgia

**IN THE SUPERIOR COURT OF MURRAY COUNTY
STATE OF GEORGIA**

**STEPHEN SWINNEY, Individually and :
in his capacities as Administrator of :
the estate of Megan Swinney and as :
next friend of minor child, H.S. :**

Plaintiff,

vs.

CIVIL ACTION NO. _____

**MYLAN PHARMACEUTICALS, INC.; :
VIATRIS SPECIALTY, LLC; and :
VIATRIS, INC. :**

Defendants.

COMPLAINT FOR DAMAGES

COMES NOW Plaintiff, Stephen Swinney, in his capacities as Administrator of the estate of Megan Swinney and as next friend of minor child, H.S., by and through counsel, and files this Complaint for Damages and in support thereof show the Court the following:

PARTIES AND JURISDICTION

-1-

Stephen Swinney is the surviving spouse of the late Megan Swinney, and he is domiciled in Murray County, Georgia. Stephen Swinney is also the duly appointed Administrator of the estate of Megan Swinney, which is an open estate before the Probate Court of Murray County, Georgia.

-2-

H.S. is the sole surviving child of the late Megan Swinney. H.S. is domiciled in Murray County, Georgia where she resides with her natural father, Stephen Swinney.

-3-

Defendant Mylan Pharmaceuticals, Inc. ("Mylan" hereafter) is a West Virginia corporation, authorized to and conducting business within the state of Georgia. Defendant is subject to the jurisdiction of this Court pursuant to the Georgia long-arm statute, codified O.C.G.A. 9-10-91, by virtue of conducting business within the state of Georgia and having committed one or more torts within the state of Georgia. Venue is proper in this Court pursuant to O.C.G.A. 14-2-510(B)(4) by virtue of the events giving rise to this cause of action sounding in tort having occurred within Murray County, Georgia. This defendant may be served via its Georgia registered agent, CT Corporation System, at 289 S. Culver Street, Lawrenceville, GA 30046.

-4-

Defendant Viatrix Specialty, LLC is a company formed under the laws of the state of Delaware with its principal office located in Pennsylvania, authorized to and conducting business within the state of Georgia. Defendant is subject to the jurisdiction of this Court pursuant to the Georgia long-arm statute, codified O.C.G.A. 9-10-91, by virtue of conducting business within the state of Georgia and having committed one or more torts within the state of Georgia. Venue is proper in this Court pursuant to O.C.G.A. 14-2-510(B)(4) by virtue of the events giving rise to this cause of action sounding in tort having occurred within Murray County, Georgia. This defendant may be served via its Georgia registered agent, CT Corporation System, at 289 S. Culver Street, Lawrenceville, GA 30046.

-5-

Defendant Viatrix, Inc. is a corporation formed under the laws of the state of Delaware with its principal office located in Pennsylvania conducting business within the state of Georgia. Defendant is subject to the jurisdiction of this Court pursuant to the Georgia long-arm statute, codified O.C.G.A. 9-10-91, by virtue of conducting business within the state of Georgia and having committed one or more torts within the state of Georgia. Venue is proper in this Court pursuant to O.C.G.A. 14-2-510(B)(4) by virtue of the events giving rise to this cause of action sounding in tort having occurred within Murray County, Georgia. This defendant may be served via its Pennsylvania registered agent, Brian Roman, at 1000 Mylan Boulevard, Canonsburg, PA, 15317.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

-6-

On or about April 4, 2020 Megan Swinney suddenly lost consciousness at her home where she died in front of her husband and young child, H.S. as her husband attempted CPR until paramedics arrived.

-7-

Upon conducting an autopsy of her body, it was discovered that Megan Swinney's cause of death was acute Pulmonary Thromboembolism in her lungs resulting from Deep Vein Thrombosis ("DVT") or blood clot in layman's terms.

-8-

At the time of her death and the preceding months, Megan Swinney was using the prescription birth control patch, Xulane, which is a norelgestromin and ethinyl estradiol transdermal medication. Xulane was previously a generic label, and the brand

label was called Ortho Evra. By the time Megan Swinney was using this medication, the manufacturer of Ortho Evra had ceased the sale of Ortho Evra within the United States and had forfeited its brand label status and accompanying FDA obligations to Defendants as the sole manufacturer and distributor of this medication within the United States.

-9-

Xulane was manufactured and marketed by Defendant Mylan at the time it was proscribed to and used by Ms. Swinney.

-10-

Upon information and belief, Mylan has subsequently merged or otherwise changed its corporate identity to now be known as Viatrix, Inc. and/or Viatrix Specialty, LLC. Upon information and belief, resulting from a merger and/or asset purchase agreement, Viatrix, Inc. and Viatrix Specialty, LLC are jointly and severally liable in the same manner as Mylan for all liability as alleged in this suit.

-11-

Unknown to Ms. Swinney or her physicians but known to Defendants prior to Ms. Swinney's death, Xulane posed an extreme risk of causing DVT among women with a body mass index (BMI) of 30 kg/m² or more.

-12-

Ms. Swinney's body mass index was greater than 30 kg/m² at all times during which she was using the Xulane patch, and use of the Xulane patch directly and proximately caused her death.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.