

5:22-cv-00208 (BKS/TWD)

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF CAYUGA

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KRYSTAL DAINS,

Plaintiff,

-against-

BAYER, INC., BAYER HEALTHCARE LLC.,
BAYER ESSURE INC., (F/K/A CONCEPTUS, INC.)
BAYER HEALTHCARE PHARMACEUTICALS, INC.,
And BAYER A.G.,

Defendants,
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Index No.:

SUMMONS

JURY TRIAL DEMANDED

Plaintiff designates
CAYUGA COUNTY
as the place of trial

The Basis of the Venue is
Plaintiff's Residence

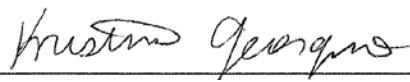
TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to serve upon Plaintiff's attorneys an Answer to the Complaint in this action within twenty (20) days after the service of this Summons, exclusive of the day of service, or within (30) days after service is complete if this Summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the Complaint.

The basis of venue designated is the residence of Plaintiff and the location of the incident that is the subject of this action.

DATED: January 31, 2022

BELLUCK & FOX, LLP
Attorneys for Plaintiff
546 Fifth Avenue · 5th Floor
New York, NY 10036
(212) 681-1575

By: 
Kristina M. Georgiou, Esq.

TO: BAYER INC.,
100 BAYER BLVD
WHIPPANY, NJ 07981

BAYER CORP.
100 Bayer Road, Building 4
Pittsburgh, PA 15205

BAYER HEALTH CARE, LLC
100 Bayer Road
Building 4
Pittsburgh, PA 15202

Bayer Essure, Inc.,
331 East Evelyn Avenue
Mountain View, CA 94041

Bayer HealthCare Pharmaceuticals, Inc.
100 Bayer Blvd.
Whippany, NJ 07981

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF CAYUGA

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KRYSTAL DAINS,

Plaintiffs,

COMPLAINT

-against-

Index No.:

BAYER, INC., BAYER HEALTHCARE LLC.,
BAYER ESSURE INC., (F/K/A CONCEPTUS, INC.),
BAYER HEALTHCARE PHARMACEUTICALS, INC.,
And BAYER, A.G.,

Defendants.

-----X

Plaintiff, as and for her complaint against the Defendants, state and allege as follows:

1. Plaintiff KRYSTAL DAINS, is a resident of the County of Cayuga, and at all times Hereinafter mentioned, resides at 106 E. Genesee Street, Auburn, New York 13021.

2. Upon Information and belief, the Defendant, BAYER Inc., is a corporation duly Organized and existing by virtue of the laws of the State of New Jersey with its corporate headquarters and principal place of business at 100 Bayer Blvd., Whippany New Jersey 07981 and conducted business and sales of pharmaceutical products within the State of New York, and the entire United States.

3. Upon information and belief, Bayer Corp., is a for -profit corporation incorporated in The state of Indiana with its principal place of business at 100 Bayer Rd., Building 4, Pittsburgh, Pennsylvania 15205 and is a wholly owned subsidiary of Bayer A.G. Bayer Corp. is a citizen of Pennsylvania and conducted business and sales of pharmaceutical products within the State of New York and all of the United States.

4. Upon information and belief, Bayer HealthCare, LLC is a for-profit corporation formed under the laws of the State of Delaware and is a wholly owned subsidiary of Bayer A.G. Bayer HealthCare, LLC and is a citizen of Delaware and conducted business and sales of pharmaceutical products within the State of New York and all of the United States.

5. Upon Information and belief, Bayer Essure, Inc., (f/k/a Conceptus, Inc) is a for-profit corporation incorporated in the State of Delaware and is a wholly-owned subsidiary of Bayer A.G. and/or Bayer HealthCare LLC and conducted business and sales of pharmaceutical products within the State of New York and all the United States.

6. On or about April 28, 2013, Conceptus, Inc entered into an Agreement and Plan of Merger with Bayer HealthCare LLC. On or About June 5, 2013, pursuant to the Merger Agreement, Conceptus, Inc., a wholly owned subsidiary of Bayer HealthCare LLC and/or Bayer A.G., and thereafter renamed BAYER ESSURE INC. For purposes of this complaint, Bayer Essure Inc. and Conceptus, inc. are one and the same. Bayer Essure Inc's headquarters are located at 331 East Evelyn Avenue, Mountain View, California 94041 and conducts business and sales of pharmaceutical products within the State of New York and all the United States.

7. Upon information and belief, Bayer HealthCare Pharmaceuticals, Inc. is a for-profit corporation incorporated in the State of Delaware and is wholly owned subsidiary of Bayer A.G. and has its principal place of business in New Jersey conducts business and sales of pharmaceutical products within the State of New York and all the United States.

8. Upon information and belief, the Court has personal authority over the defendants herein, because at all relevant times they have engaged in substantial business activities in the State of New York. At all relevant times, the Defendants transacted, solicited, and conducted business in New York through their employees, agents and/or sales representatives, and derived substantial revenue from such business in New York.

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