

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

West Pharmaceutical Services, Inc.

(b) County of Residence of First Listed Plaintiff Chester County (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

See attached.

DEFENDANTS

Masciopinto, Vincent

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF, DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 18 U.S.C. 1332

Brief description of cause: Breach of contract and misappropriation of trade secrets

VII. REQUESTED IN COMPLAINT:

- CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P., DEMAND \$ Injunction, CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

11-16-2021

SIGNATURE OF ATTORNEY OF RECORD

[Signature]

FOR OFFICE USE ONLY

ATTORNEYS FOR PLAINTIFFS

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 530 Herman O. West Drive, Exton, PA 19341
 Address of Defendant: 18941 North 91st Way, Scottsdale, AZ 85255
 Place of Accident, Incident or Transaction: Pennsylvania


RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when *Yes* is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case is / is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 11/16/2021  74790
 Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- 1. Indemnity Contract, Marino Contract, and All Other Contracts
- 2. FELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Patent
- 6. Labor-Management Relations
- 7. Civil Rights
- 8. Habeas Corpus
- 9. Securities Act(s) Cases
- 10. Social Security Review Cases
- 11. All other Federal Question Cases
(Please specify): _____

B. Diversity Jurisdiction Cases:


- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify): _____
- 7. Products Liability
- 8. Products Liability – Asbestos
- 9. All other Diversity Cases
(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Michael LiPuma, counsel of record or pro se plaintiff, do hereby certify:

- Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- Relief other than monetary damages is sought.

DATE: 11/16/2021  74790
 Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with E.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WEST PHARMACEUTICAL SERVICES,
INC.,

Plaintiff,

v.

VINCENT MASCIOPINTO,

Defendant.

CIVIL ACTION

No. _____

VERIFIED COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF

Comes now Plaintiff, West Pharmaceutical Services, Inc. (“West”), and states as follows for its Verified Complaint for Injunctive and Other Relief against Defendant, Vincent Masciopinto (“Masciopinto”):

INTRODUCTION

1. This is an action by West against Masciopinto for injunctive and other relief for breaching his Employee Confidentiality Agreement and his Restricted Stock Unit Award Agreement. In addition, West seeks relief under the Defend Trade Secrets Act of 2016 and Pennsylvania’s Uniform Trade Secret Act.

2. West is a leading global manufacturer in the design and production of technologically advanced, high-quality, integrated containment and delivery systems for injectable medicines. Working by the side of its customers from concept to patient, West creates products that promote the efficiency, reliability and safety of the world's pharmaceutical drug supply.

3. West employed Masciopinto for over 7 years. At the outset of his employment, Masciopinto executed an Employee Confidentiality Agreement in which he agreed, among other

things, to protect West's confidential information. Masciopinto also agreed to protect confidential information provided to West by its customers and potential customers. In addition, West distributed, and Masciopinto received, West's Code of Business Conduct, in which he was instructed:

To maintain our competitive advantage, you must safeguard the Company's proprietary and confidential information in the same way that all other important Company assets are protected. Confidential information includes information concerning pricing, products and services under development, and any other non-public information that might be of use to competitors, or that could be harmful to West or its customers if disclosed. Further, confidential information should not be used for any purpose except to benefit West's business, and it should only be provided to those employees within West who have a need to know such information.

West's Code of Business Conduct, Edition 5, p. 22. Masciopinto certified annually that he read and will comply with West's Code of Business Conduct. His most recent certification was dated November 25, 2020.

4. Most recently, West awarded Masciopinto forty-four restricted stock units ("RSU's") under the terms of a Restricted Stock Unit Award Agreement ("RSU Agreement") in recognition of his service to West. In February 2021, eleven of those RSU's vested and were received by Masciopinto.

5. Effective October 8, 2021, Vince resigned from West. Shortly thereafter, Masciopinto took a position as Director, Alliance Manager, at Eitan Group North America Inc. ("Eitan Medical"), Upon information and belief, Eitan Medical is also known as Sorrel Medical.

6. Eitan Medical is a direct competitor of West with regard to proprietary medical devices. According to Eitan Medical, it is "reimagining drug delivery with reliable innovation that puts patients at the center of care, making infusion easier and safer than ever before. The Sorrel product line focuses on the development and manufacturing of wearable drug delivery solutions for easy and efficient self-administration." Sorrel Medical LinkedIn.

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