

Exhibit A

21-2-00711-29
CMP 2
Complaint
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**SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR SKAGIT COUNTY**

EILEEN HOLLAND,

Plaintiff,

v.

ACELLA PHARMACEUTICALS, LLC;

SAFEWAY, INC., d/b/a: HAGGEN #3436;

HH LEGACY, INC., d/b/a: HAGGEN FOOD
& PHARMACY #15; and

DOE 1 – DOE 25.

Defendants.

Cause Number:

21-2-00711-29

COMPLAINT

I. INTRODUCTION

1. Buyer beware is not the law in the State of Washington.
2. To lawfully sell pharmaceutical drugs to consumers in Washington, the drugs must conform to national pharmaceutical standards for strength, quality, and purity.
3. For pharmaceutical drugs to conform to compendial standards of strength, quality, and purity, laboratory controls must be scientifically sound and designed to assure that

1 components, materials, labeling, and the actual drugs conform to standards.

2 4. Acella Pharmaceuticals, LLC failed to conform to these standards, and sold Acella NP
3 Thyroid® tablets that had excessive amounts of Liothyronine (T3), a man-made form
4 of thyroid hormone.

5 5. A Haggen grocery store in Burlington, Washington purchased the defective Acella NP
6 Thyroid® tablets and re-sold them to Eileen Holland.

7 6. Eileen Holland took the NP THYROID® as ordered by her doctor.

8 7. As directed in the Acella Pharmaceuticals NP Thyroid® Important Safety Information
9 Sheet, Eileen did not stop or change the amount she took, or how often she took it, until
10 eventually told to do so by her medical provider.

11 8. This was unfortunately not until after Eileen had suffered effects of excessive
12 Liothyronine which resulted in her physical and emotional injuries which shall be
13 proved at trial.

14 II. PARTIES

15 9. Acella Pharmaceuticals, LLC is pharmaceutical company in Forsyth County, Georgia.

16 10. Safeway, Inc. owns the Haggen grocery store in Burlington, Washington (Haggen
17 #3436) where Eileen purchased the defective Acella NP Thyroid® tablets.

18 11. As part of Safeway Inc.'s business it either operates or leases space to other pharmacies
19 at some of its stores; that is the case with Haggen #3436.

20 12. HH Legacy, Inc., does business as Haggen Food & Pharmacy #15, and operates the
21 pharmacy at Haggen #3436.

22 13. Safeway, Inc.; Haggen #3436; HH Legacy, Inc.; and Haggen Food & Pharmacy #15 are

1 hereinafter collectively referred to as “Safeway.”

2 14. Doe 1 through Doe 25 are persons or business who were involved in the manufacture,
3 oversight, or transaction of defective Acella NP Thyroid® tablets.

4 III. JURISDICTION AND VENUE

5 15. The Court has personal jurisdiction over all the parties.

6 16. Venue is appropriate in Skagit County Superior Court, where the defective product was
7 sold to Eileen Holland.

8 IV. FACTS

9 17. Acella Pharmaceuticals, LLC claims that its NP Thyroid® tablets are, “Made with the
10 highest quality standards under cGMP,” which is the Current Good Manufacturing
11 Practices for drugs, per Section 21 of the US Code of Federal Regulations
12 Parts 210 and 211.¹

13 18. Acella Pharmaceuticals, LLC claims that its NP Thyroid® tablets are subject to Batch-
14 to-batch testing to ensure consistent T4 & T3.”²

15 19. Regardless of these claims, Acella Pharmaceuticals, LLC failed to conform to Current
16 Good Manufacturing Practices for drugs and sold Acella NP Thyroid® tablets that had
17 excessive amounts of Liothyronine (T3), a man-made form of thyroid hormone.

18 20. The risk and cost of injuries when pharmaceuticals do not conform to Current Good
19 Manufacturing Practices for drugs substantially outweighs the cost for Acella
20 Pharmaceuticals, LLC to make pharmaceuticals that are within standards.

21
22 ¹ <https://npthyroid.com/about/>

² <https://npthyroid.com/about/>

1 21. Ordinary consumers would not be aware that their pharmaceutical drugs contain up to
2 115% of the labeled amount of active ingredient without conducting testing that is cost-
3 prohibitive to the ordinary consumer.

4 22. Consumers do not and would not recognize hormone drugs as safe when they contain
5 up to 115% of the labeled amount of an active ingredient, as was the case with the
6 defective Acella NP Thyroid® tablets.

7 23. Acella's NP Thyroid® tablets did not contain adequate warnings or instructions,
8 including that the drug as actually manufactured may not be FDA approved, nor being
9 sold with a valid biologics license.³

10 24. Acella Pharmaceuticals LLC's sale of its defective NP Thyroid® tablets breached
11 warranties both express and implied.

12 25. On May 22, 2020, the FDA published Acella Pharmaceuticals LLC recall of 30-mg NP
13 Thyroid® tablets based on a warning of super potency and the receipt of at least two
14 adverse events known to be related to the recall.

15 26. Nonetheless, on June 13, 2020, the Safeway defendants sold Eileen 30-mg NP Thyroid®
16 tablets from the recalled lot of defective drugs.

17 27. The defective NP Thyroid® tablets purchased by Eileen were a direct and proximate
18 cause of her injuries that will be proven at trial.

19 28. Doe 1 through Doe 25 have not yet been identified, but were involved in the
20 manufacture, oversight, or transaction of defective Acella NP Thyroid® tablets.

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22 ³ See <https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/acella-pharmaceuticals-llc-604438-08142020>

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