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STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT

STATE OF WASHINGTON,

Plaintiff,

v.

MERCK & CO, INC.,

Defendant.

NO. 08-2-17107-8 SEA

COMPLAINT FOR INJUNCTIVE
AND OTHER RELIEF UNDER THE
CONSUMER PROTECTION ACT,
RCW 19.86, *et seq.*

This complaint alleges claims for relief based upon violation of Washington's Consumer Protection Act, (RCW 19.86, *et seq.*). Plaintiff, State of Washington, by and through its attorneys, Robert M. McKenna, Attorney General, and Robert Lipson, Senior Counsel, brings this action against defendant Merck & Co., Inc., ("Merck") and states as follows:

I. JURISDICTION & VENUE

1. The Superior Court for the State of Washington has jurisdiction over Merck pursuant to the provisions of the Consumer Protection Act, RCW 19.86, *et seq.*, in that Merck has transacted business throughout Washington State and in King County.

II. PARTIES

2. Robert M. McKenna is the Attorney General for the State of Washington and is authorized to enforce the Washington Consumer Protection Act.

1 **IV. DEFENDANTS' COURSE OF CONDUCT**

2 7. Merck's conduct described in this Complaint was deceptive or unfair within the
3 meaning of RCW 19.86.020.

4 8. Merck began marketing Vioxx[®] in May 1999 with an aggressive and deceptive
5 promotional campaign directed at both consumers and at health care professionals.

6 9. When promoting Vioxx[®] directly to consumers and to health care professionals,
7 Merck misrepresented the cardiovascular safety of Vioxx[®].

8 10. On September 30, 2004, Merck finally admitted that Vioxx[®] caused serious
9 cardiovascular adverse events and withdrew the drug from the market.

10 11. For the entire period of time Vioxx[®] was on the market, Merck's advertisements
11 and promotional activities misrepresented Vioxx[®]'s cardiovascular safety.

12 **V. CAUSE OF ACTION**

13 12. The allegations contained in paragraphs 1-11 are incorporated herein by
14 reference.

15 13. Merck violated RCW 19.86.020 by misrepresenting that Vioxx[®] had
16 characteristics, uses, benefits, and qualities that it does not have.

17 **VI. PRAYER FOR RELIEF**

18 Plaintiff prays that this honorable Court enter an Order:

19 A. Issuing a permanent injunction prohibiting the defendant, its agents, employees,
20 and all other persons and entities, corporate or otherwise, in active concert or participation with
21 any of them, from engaging in unfair or deceptive conduct;

22 B. Ordering the defendant to pay all costs for the prosecution and investigation of
23 this action;

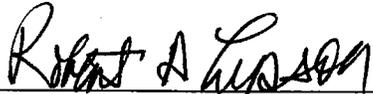
24 C. Ordering defendant to pay civil penalties of \$2,000.00 for each and every
25 violation of RCW 19.86.020; and

26 //

1 D. Granting such other and further relief as the Court deems equitable and proper.

2 RESPECTFULLY submitted this 19 day of May, 2008.

3 ROBERT M. MCKENNA
4 Attorney General

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7 ROBERT LIPSON, WSBA # 11889
8 Senior Counsel, Office of the Attorney General
9 Attorneys for State of Washington
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1 **PROOF OF SERVICE**

2 I certify that I served a copy of this document on all parties or their counsel of record
3 on the date below as follows:

4 US Mail Postage Prepaid via Consolidated Mail Service

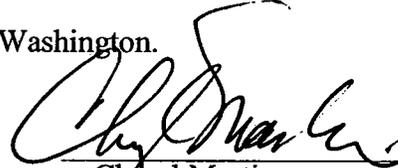
5 ABC/Legal Messenger

6 State Campus Delivery

7 Hand delivered by EMAIL

8 I certify under penalty of perjury under the laws of the state of Washington that the
9 foregoing is true and correct.

10 DATED this 20th day of May at Seattle, Washington.

11 
12 Cheryl Martin
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