

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA  
AT ANCHORAGE

STATE OF ALASKA,

Plaintiff(s),

vs.

ELI LILLY AND COMPANY,

Defendant(s).

CASE NO. 3AN-06-5630C1

SUMMONS

To Defendant: Eli Lilly and Company

You are hereby summoned and required to file with the court a written answer to the complaint which accompanies this summons. Your answer must be filed with the court at 825 W. 4th Ave., Anchorage, Alaska 99501 within 20 days\* after the day you receive this summons. In addition, a copy of your answer must be sent to the plaintiff's attorney, Eric T. Sanders, whose address is: 500 L Street, Suite 400, Anchorage, AK 99501.

If you fail to file your answer within the required time, a default judgment may be entered against you for the relief demanded in the complaint.

This case has been assigned to Superior Court Judge Rindner

This case has been assigned to District Court Judge \_\_\_\_\_

3-1-06  
Date



CLERK OF COURT

By: [Signature]  
Deputy Clerk

EXHIBIT A  
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\* The State or a state officer or agency named as a defendant has 40 days to file its answer.

FILED  
CLERK  
BY KS  
DEPUTY CLERK

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT

STATE OF ALASKA,	)
	)
Plaintiff,	)
	)
vs.	)
	)
ELI LILLY AND COMPANY,	)
	)
Defendant.	)
	)
	)
	)

Case No. 3AN-06-5630 CIV

**COMPLAINT**

Plaintiff, the State of Alaska (hereinafter "the State"), hereby alleges for their Complaint against Defendant Eli Lilly and Company (hereinafter "Defendant" or "Eli Lilly") as follows:

**JURISDICTION AND PARTIES**

1. Jurisdiction over the subject matter of this cause of action is based upon AS 44.23.020 and 45.50.501, which grant the State authority to file suit against Defendant.
2. Personal jurisdiction over this Defendant is proper under the Alaska Long Arm Statute as codified in AS 09.05.015.

Complaint  
Case No. 3AN-06-\_\_\_\_ CIV  
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FELDMAN ORLANSKY  
& SANDERS  
500 L STREET  
SUITE 400  
ANCHORAGE, AK  
99501  
TEL: 907.272.3538

3. Because the State of Alaska is not a citizen for purposes of diversity jurisdiction, no federal court can exercise subject matter jurisdiction over this case by virtue of diversity of citizenship.

4. Venue is proper in the Third Judicial District at Anchorage pursuant to Rule 3 of the Alaska Rules of Civil Procedure, in that many of the unlawful acts committed by Defendant were committed in Anchorage, including the making of false statements and misrepresentations of material fact to the State of Alaska, its departments, agencies, instrumentalities, and contractors, and to the Alaska Medicaid Program.

5. Defendant Eli Lilly and Company is an Indiana corporation with its principal place of business in Indianapolis, Indiana. At all times relevant hereto, Eli Lilly and Company was engaged in the business of licensing, manufacturing, distributing, and/or selling, either directly or indirectly, through third parties or related entities, the pharmaceutical prescription drug Zyprexa (hereinafter "Zyprexa" or "the product"). At all times relevant to this action, Eli Lilly did business within the State of Alaska by marketing and selling Zyprexa within the State to both the State and its agencies, and to the general public.

#### ALLEGATIONS OF FACT

6. This is a civil action for damages and penalties arising from the marketing and sale of the prescription drug Zyprexa.

Complaint  
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EXHIBIT   A    
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