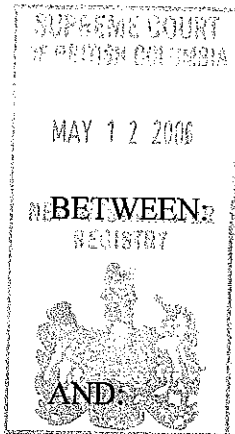


Amended March 31, 2006
pursuant to the Order of Madam
Justice E.A. Arnold-Bailey

No. S87156
New Westminster Registry



IN THE SUPREME COURT OF BRITISH COLUMBIA

DIANNA LOUISE STANWAY

PLAINTIFF

WYETH CANADA INC., WYETH PHARMACEUTICALS, INC.,
WYETH HOLDINGS CANADA INC., WYETH CANADA,
~~WYETH AYERST PHARMACEUTICALS INC., WYETH AYERST INTERNATIONAL INC.,~~
~~WYETH LABORATORIES INC., WYETH PHARMACEUTICALS and WYETH, INC.~~

DEFENDANTS

Brought under the *Class Proceedings Act*, R.S.B.C. 1996, c. 50

AMENDED WRIT OF SUMMONS

(Name and
address of
each
Plaintiff)

Dianna Stanway
c/o Klein Lyons
1100 - 1333 West Broadway
VANCOUVER, B.C. V6H 4C1

(Name and
address of
each
Defendant)

Wyeth Canada Inc.
26th Floor, TD Bank Tower
Pacific Centre, 700 West Georgia St.
Vancouver, B.C.
V7Y 1B3

Wyeth Pharmaceuticals, Inc
555 East Lancaster Avenue
St. Davids, Pennsylvania 19087

Wyeth Holdings Canada Inc.
P.O. Box 10026 Pacific Centre
S. TD Tower
700 West Georgia Street
Vancouver, B.C. V7Y 1B3

Wyeth Canada
P.O. Box 10026 Pacific Centre
S. TD Tower
700 West Georgia Street
Vancouver, B.C. V7Y 1B3

~~Wyeth-Ayerst Pharmaceuticals Inc.
555 East Lancaster Avenue
St. Davids, Pennsylvania 19087~~

Wyeth-Ayerst International Inc.
P.O. Box 8616
Philadelphia, Pennsylvania 19101

~~Wyeth Laboratories Inc.
1300 Wolf Street
Philadelphia, Pennsylvania 19148~~

Wyeth Pharmaceuticals
500 Areola Drive
Collegeville, Pennsylvania 19426

~~Wyeth, Inc.
5 Giralda Farms
Madison, New Jersey 07940~~

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom, Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

TO the Defendant(s):
Wyeth Canada Inc.
Wyeth Pharmaceuticals, Inc.
Wyeth Holdings Canada Inc.
Wyeth Canada
~~Wyeth-Ayerst Pharmaceuticals Inc.~~
Wyeth-Ayerst International Inc.
~~Wyeth Laboratories Inc.~~
Wyeth Pharmaceuticals
Wyeth, Inc

TAKE NOTICE that this action has been commenced against you by the Plaintiff(s) for the claim(s) set out in this writ.

IF YOU INTEND TO DEFEND this action, or if you have a set-off or counterclaim which you wish to have taken into account at the trial, **YOU MUST**

- (a) **GIVE NOTICE** of your intention by filing a form entitled "Appearance" in the above registry of this Court within the Time of Appearance provided for below and **YOU MUST ALSO DELIVER** a copy of the "Appearance" to the Plaintiff's address for delivery, which is set out in this writ, and
- (b) if a Statement of Claim is provided with this writ of summons or is later served on or delivered to you, **FILE** a Statement of Defence in the above registry of this court within the Time for Defence provided for below and **DELIVER** a copy of the Statement of Defence to the Plaintiff's address for delivery.

YOU OR YOUR SOLICITOR may file the Appearance and the Statement of Defence. You may obtain a form of Appearance at the Registry.

JUDGMENT MAY BE TAKEN AGAINST YOU IF

- (a) **YOU FAIL** to file the Appearance within the Time for Appearance provided for below, or
- (b) **YOU FAIL** to file the Statement of Defence within the Time for Defence provided for below.

TIME FOR APPEARANCE

If this Writ is served on a person in British Columbia, the time for appearance by that person is 7 days from the service (not including day of service).

If this Writ is served on a person outside British Columbia, the time for appearance by that person after service, is 21 days in the case of a person residing anywhere within Canada, 28 days in the case of a person residing in the United States of America, and 42 days in the case of a person residing elsewhere.

(or, where the time for appearance has been set by order of the court, within that time.)

TIME FOR DEFENCE

A Statement of Defence must be filed and delivered to the plaintiff with 14 days after the later of

- (a) the time that the Statement of Claim is served on you (whether with this writ of summons or otherwise) or is delivered to you in accordance with the Rules of Court, and
- (b) the end of the Time for Appearance provided for above.

(or, if the time for defence has been set by order of the court, within that time.)

(1) The address of the registry is: LAW COURTS BEGBIE SQUARE 651 CARNARVON NEW WESTMINSTER BC V3M 1C9
(2) The plaintiff's address for delivery is: KLEIN, LYONS #1100 – 1333 WEST BROADWAY VANCOUVER BC V6H 4C1 Fax number for delivery: (604) 874-7180
(3) The name and office address of the plaintiff's solicitor is: David A. Klein KLEIN, LYONS #1100 – 1333 WEST BROADWAY VANCOUVER BC V6H 4C1

1. The Plaintiff resides in Sechelt, British Columbia. She developed breast cancer after taking the Defendants' hormone replacement therapy drug Premarin in combination with progestin. The Plaintiff purchased and used Premarin in British Columbia. She brings this claim on her own behalf, and on behalf of a class of similarly situated persons who used the Defendants' hormone replacement therapy products, Premarin and Premplus.

2. ~~The Defendant, Wyeth Canada Inc., is a pharmaceutical company. It markets the prescription drugs Premarin and Premplus in British Columbia and across Canada. Wyeth Canada Inc. is a subsidiary or affiliate of the remaining Defendants, Wyeth Pharmaceuticals, Inc., Wyeth-Ayerst Pharmaceuticals Inc., Wyeth-Ayerst International Inc., Wyeth Laboratories Inc., Wyeth Pharmaceuticals, and Wyeth, Inc.~~ The Defendants, Wyeth Canada Inc. and Wyeth Holdings Canada Inc. are Canadian corporations that carry on business in Canada through a general partnership known as Wyeth Canada. Each of the Defendants, Wyeth Canada Inc., Wyeth Holdings Canada Inc. and Wyeth Canada has a registered office in British Columbia at 700 West Georgia Street, Vancouver, British Columbia. Wyeth Canada is a pharmaceutical business which markets the prescription drugs Premarin and Premplus in British Columbia and Canada. Wyeth Canada Inc., Wyeth Holdings Canada Inc., Wyeth Pharmaceuticals Inc. and Wyeth-Ayerst International Inc. are all wholly owned subsidiaries of the Defendant Wyeth. The Defendants individually and jointly manufactured, tested, marketed, labelled, distributed, promoted, and sold Premarin and Premplus in British Columbia and elsewhere. The Defendants engaged in a joint enterprise for the promotion and sale of Premarin and Premplus in British Columbia and elsewhere.

3. Premarin is a form of estrogen. It was prescribed to women to treat the symptoms of menopause. It was also prescribed for long-term use to post-menopausal women for the improvement of their general health and well being. When used alone, Premarin causes a significant increase in the incidence of uterine cancer. As a result, it was usually prescribed only to women who had undergone a hysterectomy (the surgical removal of the uterus). Other women

were given prescriptions for Premarin in combination with the drug progestin. This combination was thought to limit the increased risk of uterine cancer. Premplus contains both estrogen and progestin. It was used for the same purposes as Premarin.

4. Premarin and Premplus cause a number of serious and potentially life threatening adverse effects, including breast cancer, ovarian cancer, lupus, blood clots, coronary heart disease, stroke, dementia, arthritis, gall bladder disease, asthma, irritable bowel syndrome, and hearing loss. For the vast majority of women, the risks of using Premarin and Premplus outweigh the limited benefits. The symptoms of menopause can be alleviated with other, safer therapies. Premarin and Premplus should not be used except in limited circumstances for short durations where other therapeutic choices have been found inadequate.

5. The Defendants negligently marketed, tested, manufactured, labelled, distributed, promoted, sold, and otherwise placed Premarin and Premplus into the stream of commerce in British Columbia and elsewhere in Canada when they knew, or ought to have known that Premarin and Premplus were of limited efficacy and were unsafe, and that for most women who were prescribed Premarin and Premplus the risks of using Premarin and Premplus outweighed the benefits. The Defendants negligently marketed, distributed, promoted, and sold Premarin and Premplus in British Columbia and elsewhere in Canada with insufficient testing and medical evidence as to efficacy and safety.

6. The Defendants were negligent in failing to adequately inform the Plaintiff and the other class members that there was little or no testing or scientific evidence on the efficacy and safety of Premarin and Premplus. The Defendants were negligent in failing to adequately inform the Plaintiff and the other class members of the limited efficacy of Premarin and Premplus. The Defendants were negligent in failing to adequately inform the Plaintiff and other class members of the risks of using Premarin and Premplus.

7. The Defendants' conduct was in breach of the provisions of the *Trade Practices Act* R.S.B.C. 1996, c. 457 and its successor statute, the *Business Practices and Consumer Protection Act*, 2004.

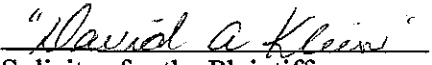
8. The Plaintiff has suffered pain and suffering, loss of enjoyment of life, loss of life expectancy, loss of income, and past, present and future care costs as a result of the Defendants' negligence and breach of statutory duties. The Defendants' breaches of their common law and statutory duties to the Plaintiff and other class members have caused damage to the Plaintiff and other class members.

9. The Plaintiff claims on her behalf and on behalf of a class of similarly situated persons, an order certifying this action as a class proceeding, general damages, special damages, punitive damages, declarations and compensation pursuant to the *Trade Practices Act* and its successor statute, the *Business Practices and Consumer Protection Act, 2004*, pre-judgment interest, costs, and such further and other relief as this Honourable Court may deem just.

10. The Plaintiff claims the right to serve this Writ of Summons outside British Columbia pursuant to Rules 13(1)(h), (j) and (o) on the ground that the proceeding is founded on a tort committed in British Columbia, the proceeding arises out of goods or merchandise sold or delivered in British Columbia, and the Defendants served outside British Columbia are necessary or proper parties to a proceeding properly brought against a party duly served in British Columbia.

11. Further details of the plaintiff's claims will be contained in the Amended Statement of Claim.

Dated: July 6, 2004


Solicitor for the Plaintiff