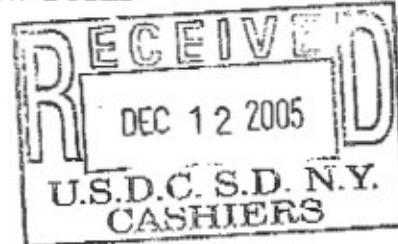


JUDGE DANIELS

05 CV 10384

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

GREEN & SAVITS, LLC
35 Airport Road, Suite 350
Morristown, N.J. 07960
(973) 695-7777
Attorneys for Plaintiff
(JG-2308)



PETER ROST,

Plaintiff,

v.

Civil Action No.:

PFIZER, INC., PHARMACIA, INC.,
MARIE-CAROLINE SAINPY,
KAREN KATEN, JEFFREY
KINDLER and HENRY MCKINNELL,

COMPLAINT AND JURY DEMAND

Defendants.

Peter Rost residing at 29 Great Hills Road, Short Hills, NJ complains of the defendants and says:

JURISDICTION AND VENUE

1. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1332 and the claims asserted in this complaint well exceed \$75,000.
2. Venue is proper within this district because defendant, Pfizer Inc.'s corporate headquarters is located within the Southern District of New York.
3. The causes of actions alleged seek to redress the violation by the defendants of the New Jersey Conscientious Employee Protection Act ("CEPA"), i.e., N.J.S.A. §34:19-1 et seq., New Jersey common law public policy and the whistle-blowing prohibition of the federal False Claims Act, i.e. 31 U.S.C. §3730(h).

4. The actions (and inactions) alleged herein were committed by all the individual defendants as employees of Pfizer, Inc.

PARTIES

5. Plaintiff, Peter Rost, ("Rost") by letter agreement dated May 31, 2001, was offered employment as Vice President, Endocrine Care in New Jersey for defendant Pharmacia, Inc. ("Pharmacia") a Delaware corporation with a principal place of business in Peapack, New Jersey that was in the business of manufacturing, distributing and selling pharmaceutical drugs and medications. On June 25, 2001, plaintiff started his employment in that position. Pharmacia was then acquired by defendant Pfizer, Inc. on or about April 16, 2003 and plaintiff became an employer of Pfizer, Inc.

6. Defendant, Pfizer, Inc. ("Pfizer") is a corporation in the business of manufacturing, distributing and selling pharmaceutical drugs and medications and its corporate worldwide headquarters is located in New York, N.Y.

7. Defendant, Marie-Caroline Sainpy is a Senior Vice President, Pfizer Pharmaceuticals Group, and, upon information and belief, was one of the employees responsible for the initial decision not to hire plaintiff for any position in any department when Pfizer was acquiring Pharmacia because he disclosed a number of illegal acts by Pharmacia's and then Pfizer's endocrine care business and then to terminate Rost's employment in retaliation for Rost raising these issues and testifying before the FBI and a federal grand jury. Upon information and belief, Sainpy resides in New York, NY.

8. Defendant, Karen Katen ("Katen") is Vice Chairman of Pfizer Inc. and President, Pfizer Human Health, Sainpy's immediate superior and, upon information and belief, was one of the employees responsible for the initial decision not to hire plaintiff for any position in any

department when Pfizer was acquiring Pharmacia because he disclosed a number of illegal acts by Pharmacia's and then Pfizer's endocrine care business and then to terminate Rost's employment in retaliation for Rost raising these issues and testifying before the FBI and a federal grand jury. Upon information and belief, Katen resides in New York, NY.

9. Defendant, Jeffrey B. Kindler ("Kindler") is Vice Chairman of Pfizer Inc. He also serves as the company's General Counsel and Chief Compliance Officer and was, upon information and belief, one of the employees responsible for the initial decision not to hire plaintiff for any position in any department when Pfizer was acquiring Pharmacia because he disclosed a number of illegal acts by Pharmacia's and then Pfizer's endocrine care business and then to terminate Rost's employment in retaliation for Rost raising these issues and testifying before the FBI and a federal grand jury. Upon information and belief, Kindler resides in the Westport, CT.

10. Defendant, Henry A. McKinnell, Jr., Ph.D., ("McKinnell) is Chairman of the Board and Chief Executive Officer of Pfizer Inc., Katen's and Kindler's immediate supervisor, and, upon information and belief, was one of the employees responsible for the initial decision not to hire plaintiff for any position in any department when Pfizer was acquiring Pharmacia because he disclosed a number of illegal acts by Pharmacia's and then Pfizer's endocrine care business and then to terminate Rost's employment in retaliation for Rost raising these issues and testifying before the FBI and a federal grand jury. Upon information and belief, McKinnell resides in Greenwich, CT.

FACTS RELEVANT TO ALL COUNTS

11. At all relevant times, from the commencement of his Pharmacia/Pfizer employment until his firing, Rost was a New Jersey employee of Pharmacia and then Pfizer.

Starting on or about June 25, 2002 Rost became Vice President, Endocrine Care of Pharmacia Inc., with his office located in Bedminster, New Jersey.

12. In July 2002 it was publicly announced that Pfizer, Inc., and Pharmacia, Inc., management had agreed for Pfizer to acquire Pharmacia in a friendly acquisition. Pfizer and Pharmacia shareholder approval for the acquisition were received in November and December 2002. After this took place the companies started to operate as one unit with respect to human resources, promotions, and all other employee issues in order to create a new organization. Many key positions for the new entity were announced in writing during February to April 2003. Said acquisition was finalized and took place on April 16, 2003, after Federal Trade Commission approval.

13. During the period July 2002 until April 2003 Pharmacia and Pfizer representatives met in numerous meetings. These included meetings by Pharmacia managers with Pfizer management to exercise due diligence and to educate them about the Pharmacia business and exchange employee appraisals and meetings to evaluate employees to assess which employees would be given continued employment opportunities in the new organization.

14. Plaintiff's supervisor Margriet Gabriel-Regis, Group Vice President, Pharmacia, met with Marie-Caroline Sainpy, Senior Vice President, Pfizer, and presented plaintiff's background and recommended his continued employment. In a performance appraisal dated November 18, 2002, which was shared with Pfizer, Margriet Gabriel-Regis wrote:

The condensed comments above cannot entirely reflect the tremendous difference Peter's leadership has brought to the department. He has effected a major reorganization, has reanalyzed many aspects of the business with a zero-based approach, and essentially rebuilt plans from the ground up. His significant role and the energy he has devoted will pay off even more in the future. Peter is a key leader with potential for an even larger senior Marketing role or a high-level role within Operations.

15. On October 28, 2002, Rost attended a "knowledge transfer" meeting, from Pharmacia to Pfizer, in New York. Also attending this meeting were four subordinates from his department and several Pfizer employees including Judith Tytel from Pfizer's legal department. A significant part of the meeting focused on areas that were foreign to Pfizer, such as how the outcomes research group operated.

16. More importantly, the meeting included discussions on potential criminal legal issues. Rost and one of his subordinates explained how up to 800 physicians were sent to all-expenses-paid meetings at sumptuous resorts every year, which potentially violated AMA and FDA guidelines on drug promotion. Rost's subordinate, the Associate Director, Outcomes Research, had been raising the issues of potential illegality regarding the compensation of physicians since February 2000. Rost also informed Pfizer's in-house legal counsel, Judith Tytel, that he had previously discussed this with Pharmacia's associate general counsel and compliance officer, who still approved this practice which Rost reasonably believed might be illegal under a federal anti-kickback statute, i.e. 42 U.S.C. §1320a-7b(b). Under this statute, drug companies may not offer or pay any remuneration, in cash or kind, directly or indirectly, to induce physicians or others to order or recommend drugs that may be paid for by Medicaid, CHAMPUS/TRICARE, CHAMPVA, Federal Employee Health Benefit Program, or other federal health care program.

17. Rost and his colleagues also disclosed a program (the Bridge Program) that supplied new patients with free drugs for several months, including off-label patients. Rost informed Pfizer that off-label distribution of growth hormone is a felony pursuant to the Food, Drug and Cosmetic Act ("FDCA"), i.e. 21 U.S.C. §333(e)(1), if distributed unlawfully to adults. The Bridge program included mostly patients under the age of 18 and if they had received

growth hormone for off-label indication, this would violate the FDCA, i.e., 21 U.S.C. §333(e)(2). Pfizer asked for a separate presentation of the Bridge program, which Rost and his subordinates conducted on November 8, 2002.

18. The legal issues that related to Pharmacia's KIGS/KIMS program greatly worried Pfizer and led Judith Tytel to request more data, which was sent in an October 29 e-mail from Rost's subordinate. This e-mail led to further questions from Pfizer, documented in an October 30 e-mail from Alan Litwack to the subordinate, copied to Judith Tytel.

19. At the Bridge program presentation on November 8, 2002 Rost and his colleagues turned over Pharmacia forms called "Statement of Medical Necessity," which included both on and off-label diagnoses for the doctor to checkmark. This form had to be filled out for all new patients in order for them to receive an injection starter kit from Pharmacia and assistance from Pharmacia with reimbursement for drug costs.

20. The October 28, and November 8, 2002 meetings led to a full-scale investigation into the KIGS/KIMS program and the Bridge program as soon as Pfizer formally took over Pharmacia on April 16, 2003. Rost's Pharmacia outcomes group was also requested to develop spreadsheets indicating payments to doctors and to turn over all their business and computer files to Pfizer and the Bridge manager had to turn over his database with 30,000 on and off-label patients. Pfizer later cancelled the annual meeting with 800 physicians after they had already been invited and upon information and belief, stopped enrolling new physicians and patients in the KIGS/KIMS program. Additionally, Rost also documented that Pfizer started to monitor phones in the outcomes research group during the fall of 2003 and asked questions about certain phone calls.

21. On November 13, 2002 plaintiff contacted Marie-Caroline Sainpy per e-mail and expressed his interest in continuing his employment with Pfizer; when doing so he did not limit his interest to Vice President level positions. The same day, on November 13, 2002, Ms. Sainpy responded and wrote "there is no question whatsoever on our side with your being considered for several positions." On January 7, 2003 plaintiff again contacted Ms. Sainpy and asked if he was still being considered for employment by Pfizer.

22. On January 17, 2003, the New York Times published an article on the first page of the Business Section, which described how plaintiff had filed a New Jersey whistleblower complaint against his former employer Wyeth. On the same day, January 17, 2003, at 7:23 pm - Friday evening - Ms. Sainpy wrote plaintiff an e-mail saying "I am sorry for taking so long to get back to you but I wanted to be sure I had all the right information before I answered. My understanding is that the only type of position you are interested in considering is at a VP level. There is very limited number of such positions and considering this level only, there will not be a fit within the Marketing Organization." Rost had never represented to Sainpy that he was only interested in a "VP level" position with Pfizer.

23. On January 18, 2003 the Newark Star Ledger wrote an article stating that the SEC had started an investigation into Plaintiff's allegations regarding Wyeth. The same day, on Saturday morning, January 18, 2003, plaintiff forwarded Ms. Sainpy's Friday evening January 17 e-mail to his superior Margriet Gabriel-Regis, and pointed out that "From 'being considered for several positions' she now assumes that I am only interested in a VP position, which we never discussed".

24. On January 21, 2003, Plaintiff wrote a response to Sainpy, saying that "If you lose key company memory and competence you will have a greater difficulty protecting your legal

interests" and disclosed in detail illegal acts committed by the endocrine care business, and the legal exposure the company had to charges of distributing a misbranded drug into interstate commerce; violation of FDCA to distribute human growth hormone for off-label use and fraud and abuse issues including exposure to the anti-kickback statute and false claims act. He ended the e-mail "In summary, all this taken together should result in a more careful assessment at Pfizer of who should be of assistance to you in the new organization and at what level they should be placed." This e-mail resulted in significant correspondence within and between the Pfizer and Pharmacia legal departments.

25. On February 2, 2003, Ms. Sainpy responded and wrote "we regret to inform you that there will not be a position for you in the new Pfizer organization. After the close, your job responsibilities will be the same as they are now until we notify you of a change. We wish you the best of luck in your future endeavors". Sainpy had in her February 2, 2003 e-mail significantly increased the scope of her first mail, which only indicated there would be no VP positions available in the Worldwide Marketing Organization, to now saying that Plaintiff would have no position at any level in any department at Pfizer.

26. On February 6, 2003, Pharmacia and, upon information and belief, at the behest of Pfizer commenced a malicious campaign to discredit Rost by having a private investigator conduct a criminal/civil background check and implicitly questioning Rost's emotional state of mind, investigated if plaintiff had purchased a weapon in New Jersey. The report on plaintiff included a detailed mapping of plaintiff's financial resources and contained the annotation "no information to indicate a problem with violent behavior." In an effort to further discredit Plaintiff, said investigation was provided to Wyeth (a/k/a American Home Products) less than a month later, in the beginning of March 2003, pursuant to a subpoena requesting Rost's personnel

file in the civil action *Rost vs. American Home Products* which was then pending in the New Jersey Superior Court. The investigation was not supposed to be included in Rost's personnel file and Pharmacia was under no legal obligation to produce the investigation but still did so in response to the subpoena.

27. Additional e-mails from February 24, 2003, provided by Pharmacia to Wyeth pursuant to the subpoena referred to in Paragraph 26 above also indicate that Pharmacia and Pfizer legal departments cooperated in the decision not to offer Rost a position with Pfizer. George Evans, Pfizer Legal told Charles Lucas, Pharmacia Legal "we would appreciate your help on this" in response to plaintiff's e-mail on illegal matters and George Evans on February 3, 2003 forwarded Rost's termination notice to Charles Lucas saying "Let me know if you guys have any more thoughts on this."

28. On February 4, 2003, Plaintiff sent an e-mail to Richard Collier, Pharmacia's General Counsel and wrote that Pfizer had retaliated against him and violated the New Jersey Conscientious Employee Protection Act. This e-mail was also forwarded by Plaintiff to Jeff Kindler, General Counsel of Pfizer on February 24, 2003. On March 2, 2003, Mr. Kindler forwarded this e-mail to Mr. Collier asking "what the heck is this about?" and Mr. Collier responded on March 3, 2003, "From your perspective, no good would come out of a conversation with Dr. Rost." It is clear from these and previously mentioned e-mails that Pharmacia and Pfizer cooperated very closely in their response to plaintiff and that they were determined not to give plaintiff any employment opportunity in the new organization after he informed Pfizer of numerous illegal and unethical acts in the endocrine care business.

29. No other employee in plaintiff's area of responsibility, or in the area of his supervisor's responsibility, was notified in a similar manner during this time period that they may

not have continued employment with Pfizer. Other employees who had not received contingent offers from Pfizer during the time period before the acquisition and approached Pfizer were told that they would not receive notification of any decision on their employment status until after the acquisition was completed.

30. Rost's attempt to notify Pfizer of, and assisting Pfizer in, reviewing certain legal issues related to the endocrine care area resulted in Pfizer notifying Pharmacia of this communication and plaintiff received a letter dated February 3, 2003, from Richard Collier, Pharmacia's General Counsel, admonishing plaintiff about this contact. In spite of this letter, Rost again attempted to warn Kindler in a March 13 e-mail, which he ended, "you have based on this e-mail at a minimum been able to make an informed decision not to take any action. Should this result in future adverse events there is now a written record that the responsibility for this decision was placed at the appropriate level in the Pfizer management structure."

31. On or about the same time this correspondence between in-house counsel took place, Mr. Paul Chaney, Vice President Ophthalmology in Pharmacia was offered the position Sr. Director and Group Leader for the planned Pfizer U.S. Endocrine Care/Ophthalmology group, contingent upon closing of the Pharmacia acquisition, reporting to Mr. Eric Sirota. When Mr. Chaney declined the offer, Pfizer did not approach Plaintiff about this position, even though the Ophthalmology and Endocrinology business at Pharmacia were about the same size and they both had Vice Presidents supervising these areas.

32. Pfizer in an e-mail dated April 25, 2003 announced that Mr. Neil Levine had been promoted to the position that had been offered to Mr. Chaney. Mr. Levine had a significantly lower position than Plaintiff as Worldwide Team Leader for Pfizer's impotence product Viagra, with no direct P&L responsibility and had no experience with growth hormone or ophthalmology

as compared to Rost's prior experience. In fact, based on the changes Rost had implemented during 2002 for the U.S. Genotropin business, this product became the #1 performing franchise vs. budget in 2003, comparing products with sales in excess of \$100 million.

33. Pfizer also had the opportunity to offer Rost the position of Director, Team Leader Worldwide Endocrine Care Team, reporting to Ms. Laurie Olson. Pfizer had difficulty finding an appropriate candidate for this position and it was not filled until a May 23, 2003 e-mail announced that Mr. Jacques Weiss had been promoted to this position from his responsibility as Director for a Pfizer insulin product. Mr. Weiss also had no experience in the growth hormone area, and was significantly junior to Rost in his position in the company.

34. On April 16, 2003 Pfizer formally acquired Pharmacia. In an April 17, 2003, e-mail from Sainpy, Rost was told that "For the Worldwide portion of your business you are reporting to Laurie Olson. For the US portion of your business you are reporting to Eric Sirota." He had met Mr. Sirota at a launch meeting in April and he requested an opportunity to meet Ms. Olson for lunch in two e-mails dated May 1, 2003, and May 29, 2003. Rost never received any response from Ms. Olson and never met her and also never met Mr. Sirota again.

35. In an April 18, 2003, e-mail, plaintiff had been informed that Pfizer would start an "assessment of various historic endocrine care business activities" and "Judi and the outside lawyer, Ethan Posner of Covington & Burling, would like to meet with you on Tuesday, April 22". The meeting between Plaintiff and inside and outside counsel took place during a full day on April 30, 2003. Before this meeting, on April 30, 2003, plaintiff wrote an e-mail to defendants Kindler, Katen, and Sainpy, "My recommendation to Mr.[Ethan] Posner, Esq., is going to be that we approach the Justice department and make a deal with them regarding the issues under investigation."

36. A letter sent by defendant Kindler, Pfizer's General Counsel, dated May 28, 2003 and addressed to and received by plaintiff on June 9, 2003, stated "I have appreciated and reviewed carefully the various e-mails that you have sent to me and others at Pfizer regarding the Pharmacia endocrine care business." The letter admitted that Rost had raised serious legal issues to Pfizer about Pharmacia's endocrine care business that had to be addressed and remedied:

The day after the merger closed, Pfizer retained Covington & Burling to analyze thoroughly any legal issues associated with the endocrine care business. I understand that you met recently with our outside counsel, and I appreciate your taking the time to educate them and Pfizer about the endocrine care business, which is a new business to us. I recognize that, with your assistance, Pharmacia examined these issues in 2002 and made significant changes to correct the issues you raised. Nevertheless we are making additional changes to the endocrine care business based on our review, which we are also in the process of disclosing to the relevant government authorities. [Emphasis supplied.]

The letter ends "In closing, you have my sincere thanks and appreciation for the time and attention that you have paid to these matters." Many of the marketing, sales and medical employees in the endocrine care business were interviewed by Covington & Burling and the internal investigation continued through 2003.

37. During the period May through July 2003, employees in Rost's department were allocated to other individuals within Pfizer. Rost was not invited to any of the business meetings his new supervisors implemented, received no business information, or information about change of reporting responsibilities. Plaintiff had to inform himself of such changes by asking his former direct reports and colleagues. Rost was left with virtually nothing to do with the business.

38. Most of the employees in plaintiff's department and peers in the area of responsibility of his former supervisor, the Hospital and Specialty group, received offers to continue to work for Pfizer. However, Rost and his subordinate, the Associate Director, Outcomes Research, who had also raised issues of illegality, as set forth in Paragraph 16 above,

received no such offer. Furthermore, Rost also did not receive any notification if and when he would be terminated, which many colleagues who would not join Pfizer had received in the May to June 2003 time frame.

39. In August, 2003 almost all of the employees in the Endocrine Care area who had received offers from Pfizer of employment, but declined these offers, as well as the employees that had been informed they would not receive an employment offer, had received notification that they would be terminated. No such notification was made either to plaintiff or his whistle-blowing subordinate at that time.

40. During the time period May to August 2003 plaintiff participated in several training programs for new employees, as requested by Pfizer. On August 11, 2003 plaintiff completed training on Pfizer's Policies on Business Conduct. According to these policies "if you know of, or reasonably believe there is a violation of applicable laws or Pfizer's corporate policies and procedures, you must use the Open Door process to report that information to the Corporate Compliance Officer."

41. On September 17, 2003 plaintiff received a voicemail message from a person who was previously the Pharmacia Finance Manager for the Endocrine Care business. When he returned her call the same day she told him that she had called Rost through the Pfizer switchboard in Peapack and received the "third degree" from the Pfizer switchboard operator. The operator asked if she was a recruiter, she replied no, the operator then asked who she was and why she wanted to talk to him. She replied that she was an old friend. The operator was not satisfied and continued to ask if she was a Pfizer employee. She responded no. Then the operator wanted to know details about why she wanted to talk to him. The former Finance Manager replied she was just catching up with Peter Rost. She was finally connected and spoke to

Plaintiff's assistant about this highly unusual exchange. Rost's assistant then connected her to his voicemail. Plaintiff notified Douglas Lankler, Senior Corporate Counsel, Deputy Corporate Compliance Officer, of this event and Lankler promised to "look into this."

42. On November 11, 2003 Lankler called Plaintiff to let him know the result of his investigation into his questions about phone monitoring. He told Rost that his phone calls had been monitored but that Pfizer had nothing to do with this; phone monitoring had been started by Pharmacia and the Pfizer compliance department had not been aware of this activity. Mr. Lankler volunteered that Pharmacia had also put other people under surveillance. He explained that Pfizer's compliance department had placed several test calls to Plaintiff's phone, as well as to certain other individuals as part of their investigation. Lankler was very anxious to communicate that Pfizer has strong restrictions on these kinds of monitoring activities and do not do this outside the scope of specific investigations, unless requested by law enforcement or if someone was deemed dangerous, which Rost was not, he said. Lankler also said he would immediately contact the supervisor for Pharmacia's switchboard and stop this practice. Rost later learned that the surveillance of his phone calls continued.

43. Lankler admitted that e-mails had been pulled from Rost's mailbox related to the Genotropin investigation. He said they had done this based on a key word search and explained that no ongoing search of any e-mails unrelated to this investigation should exist.

44. At the end of December 2003 plaintiff was contacted by Jacqueline Wolff of Covington & Burling, who requested copies of all Plaintiff's physical business files and business files on his computer. These documents were delivered by Rost at the beginning of January 2004.

45. On February 16, 2004, Rost, in accordance with Pfizer's Policies on Business Conduct identified in Paragraph 36 above, alerted Pfizer to certain Sarbanes-Oxley related accounting irregularities that had recently been verified by a prior employee who had investigated this matter pursuant to Rost's request in 2002.

46. In or about February 2004, Pfizer was informed of Rost's qui tam suit that had been filed on June 3, 2003 in federal district court in Boston in a partial unsealing by both the US Justice Department and the federal district court. On March 9 Plaintiff was interviewed by Covington & Burling about the accounting issues, and he summarized his concerns in an e-mail on March 12. On March 25, 2004 Plaintiff received an e-mail threatening his employment and on April 2 Rost was interviewed by the Securities and Exchange Commission with Covington & Burling lawyers listening to the conversation.

47. On or about April 15, 2004, Rost through his attorney's correspondence requested that he be reinstated in a position that encompassed responsibilities and skills commensurate with Rost's skills and experience; no positive response was ever forthcoming.

48. On September 9 and 12, 2004 Rost informed Pfizer's CEO Dr. Hank McKinnell and Pfizer's general counsel, Jeff Kindler that he had "not only provided truthful information to the New York State Attorney General's office, but also testified in person before law enforcement agents employed by the FBI and the FDA's Enforcement Division, related to the possible commission of federal offenses."

49. On December 1, 2005 while lecturing at a symposia in Costa Rica, Rost was notified through the media that that he was being terminated from Pfizer. Rost was a witness in an ongoing federal grand jury investigation and Pfizer was aware of his testimony before law enforcement agents employed by the Federal Bureau of Information, hence, this termination may

have been conducted in violation of 18 U.S.C. §1513(e) that prohibits retaliation against an individual who gives testimony to federal law enforcement officers.

COUNT ONE
(NJ CEPA)

50. Plaintiff repeats each and every allegation contained in paragraphs 1-49 contained above as if the same were more fully set forth herein at length and made a part hereof.

51. Defendants either individually and/or collectively either commenced, acquiesced or condoned illegal adverse employment actions against plaintiff as a direct result of his engaging in protected activity starting in October 2002 to the present as defined by the New Jersey Conscientious Employee Protection Act (“CEPA”), i.e. N.J. Stat. Ann. §34:19-1 et seq., with the knowledge of defendants. This retaliation included but is not limited to conducting an intrusive investigation through a private investigator, denying him positions with Pfizer for which he was qualified to perform, denying him bonuses and stock option grants that were paid to Pfizer employees who were his peers and then terminating his employment on December 1, 2005.

52. The individual defendants are personally liable for their retaliatory acts under CEPA. Defendants Pharmacia and Pfizer are vicariously liable for the acts of the individual defendants under CEPA.

53. The adverse employment actions taken by defendants were in violation of the Conscientious Employee Protection Act, (CEPA) N.J.S.A. 34:19-1 *et seq.*

54. As a result, plaintiff Rost has suffered past lost earnings and benefits and will continue to suffer lost earnings and benefits into the future until his work retirement age. He has also suffered emotional distress as a result of defendants' retaliatory actions.

55. The individual defendants are upper level management of Pfizer and their actions are especially egregious and/or malicious.

WHEREFORE, plaintiff Peter Rost demands judgment against defendants Pfizer Inc., Pharmacia Inc., Marie-Caroline Sainpy, Jeffrey Kindler, Karen Katen and Henry McKinnell for the following relief:

- a) Compensatory damages;
- b) Punitive damages;
- c) Reasonable attorney's fees and costs; and
- d) Equitable relief that this Court may deem appropriate and just under the circumstances.

COUNT TWO
(New Jersey Public Policy)

56. Plaintiff repeats each and every allegation contained in paragraphs 1-49, 54 and 54 above as if the same were more fully set forth herein at length and made a part her

57. The defendants retaliated against plaintiff for his uncovering and reporting numerous illegal, unethical and improper actions and infractions by many managerial employees of defendants in violation of its own policy against same and for filing suit against his former employer, Wyeth, and for speaking to the media about that suit which involved retaliation for Rost exposing illegal conduct.

58. The retaliation against plaintiff was improper and against New Jersey common law public policy that protects New Jersey employees from retaliation by their employer for exposing, opposing or refusing to participate in illegal conduct.

59. The individual defendants are personally liable for their retaliatory acts and defendants Pharmacia and Pfizer are vicariously liable for the acts of the individual defendants under New Jersey common law public policy.

60. The acts of defendants were willful, wanton and egregious.

WHEREFORE, plaintiff Peter Rost demands judgment against defendants Pfizer Inc., Pharmacia Inc., Marie-Caroline Sainpy, Jeffrey Kindler, Karen Katen and Henry McKinnell for the following relief:

- a) Compensatory damages;
- b) Punitive damages;
- c) Reasonable costs; and
- d) Equitable relief that this Court may deem appropriate and just under the circumstances.

COUNT THREE
(False Claims Act)

61. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1-49, 54-55 as though set forth at length herein.

62. Defendants' conduct including but not limited to his termination of employment on December 1, 2005, violated the False Claims Act by retaliating against him when they learned in February 2004 that Rost had filed a *qui tam* action in June 2003 and then waiting for the

Department of Justice to refuse to intervene in the *qui tam* suit at which time they terminated his employment.

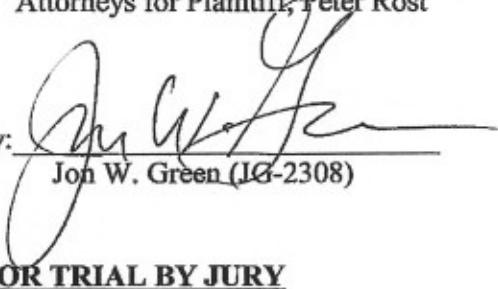
63. Plaintiff Rost is entitled to damages as set forth in 31 U.S.C. §3730(h) and to reinstatement to a commensurate position with his skills, experience and compensation.

WHEREFORE, plaintiff Peter Rost demands judgment against defendants Pfizer Inc., Pharmacia Inc., Marie-Caroline Sainpy, Jeffrey Kindler, Karen Katen and Henry McKinnell for the following relief:

- a) Compensatory damages as permitted by 31 U.S.C. 3730 (h);
- b) Double damages as permitted by 31 U.S.C. 3730(h);
- c) Reasonable costs and attorney's fees; and
- d) Equitable relief that this Court may deem appropriate and just under the

circumstances.

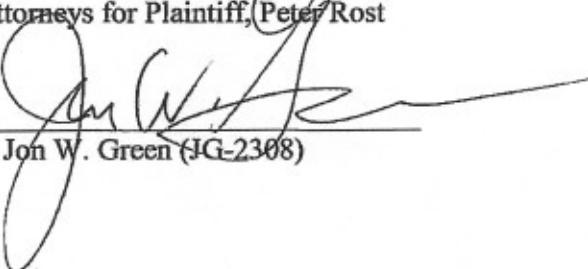
GREEN & SAVITS, LLC
Attorneys for Plaintiff, Peter Rost

By: 
Jon W. Green (JG-2308)

DEMAND FOR TRIAL BY JURY

The plaintiff hereby demands a trial by a jury as to all issues so triable.

GREEN & SAVITS, LLC
Attorneys for Plaintiff, Peter Rost

By: 
Jon W. Green (JG-2308)

Dated: December 12, 2005