

Amazon And Pharma Cos. Sued Over Tainted Eye Drops

By **Henrik Nilsson**

Law360 (August 4, 2023, 7:16 PM EDT) -- A woman who claims she had to surgically remove her left eye after using EzriCare eye drops linked to a multistate outbreak of an infectious germ sued Amazon along with EzriCare and other drug companies in Pennsylvania federal court Thursday.

Donna Fike said she bought the EzriCare artificial tears from Amazon on three occasions in May, July and December last year. But on Feb. 5, she had her left eye removed following an infection caused by the eye drops, which are manufactured, imported and distributed by Global Pharma Healthcare Private Ltd., EzriCare LLC, EzriRx LLC and Aru Pharma Inc., according to the suit.

Specifically, the eye drops were contaminated with the *Pseudomonas aeruginosa* bacteria. Fike accuses the defendants of failing to "warn of the dangers of a defective and unreasonably dangerous product."

Fike asserts claims including product liability, negligence, breach of express warranty, negligent infliction of emotional distress and violation of Pennsylvania unfair trade practices and consumer protection law.

Because of the companies manufacturing and distributing the contaminated eye drops, "Mrs. Fike has been permanently injured both physically and emotionally," according to the suit. "Plaintiff was catastrophically injured and was caused severe pain, suffering, disability, impairment, loss of enjoyment of life, loss of care, comfort, and economic damages."

The outbreak, first discovered by the Centers for Disease Control and Prevention in May last year, has spread to 16 states. Out of 81 infected individuals, 14 have suffered permanent vision loss, four have had eyeballs removed and four people have died because of the infection, according to the suit.

Fike claims EzriCare designed and marketed the bottles as preservative-free. But that, she said, only meant that no chemical was used to prevent the growth of bacteria in the product. In addition, the eye drop bottle is intended for multiple uses, causing perfect conditions for bacteria to flourish, according to the suit.

On Feb. 1, Global Pharma voluntarily recalled all lots of the eye drops, according to the complaint. The next day, the U.S. Food and Drug Administration warned consumers and health care providers to stop using the artificial tears.

The agency also said it recommended that Global Pharma recall the eye drops because it violated good manufacturing practices, including a lack of appropriate testing, not using an adequate preservative and not having proper controls for packaging that would show if a bottle had been tampered with.

Earlier this year, the companies behind the product, along with Walmart, were hit with two separate suits filed in **New Jersey** and **Kentucky** federal courts by people who claim to have been injured after using the product.

"This lawsuit is brought to hold both the manufacturers/distributors, Global Pharma, Aru Pharma, EzriCare and EzriRx, and the seller, Amazon, liable and accountable for the severe infection that was caused by the contaminated EzriCare eye drops and that resulted in the removal of our client's left

eye," Thomas R. Kline and Barry Magen of Kline & Specter PC, representing Fike, told Law360 in an email Friday. "All are defendants in this lawsuit under well-established principles of product liability under Pennsylvania law."

Representatives for the companies did not immediately respond to request for comment Friday.

Fike is represented by Barry Magen, Thomas R. Kline and Jon Goodall of Kline & Specter PC.

Counsel information for the companies was not immediately available Friday.

The case is Donna Fike v. Global Pharma Healthcare Private Ltd. et al., case number 5:23-cv-02981, in the U.S. District Court for the Eastern District of Pennsylvania.

--Additional reporting by Emily Field. Editing by Stephen Berg.