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ID Nos. 037781987/045051994  
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Attorneys for Plaintiff

JUNE M. CORNIER, Individually, and as  
Administratrix Ad Prosequendum of the ESTATE  
OF MATTHEW J. CORNIER  
1909 Merrimac Drive  
Toms River, New Jersey 08753

Plaintiff,

v.

NEPTUNE RESOURCES, LLC  
1320 and 1324 14 West 12th Street  
Kansas City, Missouri 64101  
And  
SUPER CHILL CBD PRODUCTS  
827 6<sup>TH</sup> Avenue  
New York, NY 10001  
And  
HOMETOWN MARKET – PT. PLEASANT, LLC  
2225 Bridge Avenue  
Point Pleasant Borough, NJ 08742  
And  
ABC CORPORATIONS 1-10 (fictitious names of  
corporations or entities that cannot be ascertained  
or identified at this time)  
And  
JOHN/JANE DOES 1-10 (fictitious names of  
individuals that cannot be ascertained or identified  
at this time)

Defendants.

SUPERIOR COURT OF NEW JERSEY  
MIDDLESEX COUNTY  
LAW DIVISION

NO. \_\_\_\_\_

CIVIL ACTION

**PLAINTIFF’S COMPLAINT WITH  
JURY DEMAND, AND DEMAND  
FOR DISCOVERY**

Now comes plaintiff, June M. Cornier, Administratrix Ad Prosequendum of the Estate of  
Matthew J. Cornier, Deceased, by and through her counsel, and states as follows:

**PARTIES**

1. Plaintiff, June M. Cornier, residing at 1909 Merrimac Drive, Toms River, New Jersey 08753, brings this action in her capacity as the Administratrix Ad Prosequendum of the Estate of Matthew J. Cornier, Deceased, having been appointed by the State of New Jersey Ocean County Surrogate’s Court. She is the surviving parent/mother of Matthew J. Cornier, who at all relevant times was a resident of the State of New Jersey.

2. Defendant, Neptune Resources, LLC (“Neptune Resources”), is a limited liability company located at 1320 and 1324 14 West 12th Street, Kansas City, Missouri 64101. At all relevant times, Neptune Resources was in the business of designing, formulating, manufacturing, distributing, and selling products it describes as “dietary supplements” for sale to consumers at gas stations, convenience stores, and other retail outlets.

3. Neptune Resources is the manufacturer, distributor, and/or seller of a product known as “Neptune’s Fix Elixir” with Tianeptine (hereafter referred to as “Neptune’s Fix”).

4. Defendant, Super Chill CBD Products (“Super Chill”), is a corporation organized and existing under the laws of the State of New York, with its principal place of business at 827 6th Avenue, New York, New York 10001. At all relevant times, Super Chill was in the business of distributing and selling products to consumers at gas stations, convenience stores, and other retail outlets.

5. Super Chill is the distributor and/or seller of the product known as “Neptune’s Fix Elixir” with Tianeptine.

6. Defendant, Hometown Market – PT. Pleasant, LLC (“Hometown Market”), is a limited liability company organized under the laws of New Jersey, with its place of business located at 2225 Bridge Ave., Point Pleasant Borough, NJ 08742.

7. Defendant Hometown Market is the seller of the product known as “Neptune’s Fix Elixer” with Tianeptine.

8. Defendants, John/Jane Does 1-10 and ABC Corporations 1-10, are entities or persons whose identities are presently unknown, and are identified as the designers, manufacturers, distributors, marketers, and sellers of “Neptune’s Fix” with Tianeptine.

### **BACKGROUND**

9. The product, “Neptune’s Fix,” contains Tianeptine, an unapproved antidepressant drug, advertised as “Happiness in a Bottle,” and marketed, distributed, and sold in New Jersey for consumption.<sup>1</sup>

10. The Federal Drug Administration (FDA) has issued warnings about adverse reactions from products containing Tianeptine, including seizures, coma, and death.<sup>2</sup>

11. By 2022, poison control centers, state regulators, and the FDA all were reporting increased numbers of cases involving serious harmful effects due to Tianeptine consumption, including death, and the FDA continued to issue warnings of the serious risks that Tianeptine consumption posed to consumers.

12. In February 2022, the FDA issued a Consumer Update titled “Tianeptine Products Linked to Serious Harm, Overdoses, and Death.”<sup>3</sup>

13. Due to the outbreak of adverse events from using products containing Tianeptine, several states banned the sale of the product. In September 2023, for example, the State of Florida

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<sup>1</sup> See <https://vimeo.com/851169371> (last accessed July 15, 2024).

<sup>2</sup> See <https://www.fda.gov/news-events/press-announcements/fda-warns-marketers-products-labeled-dietary-supplements-contain-tianeptine-making-unproven-claims> (last accessed July 15, 2024).

<sup>3</sup> See <https://www.fda.gov/consumers/consumer-updates/tianeptine-products-linked-serious-harm-overdoses-death>

banned the sale of products containing Tianeptine due to serious adverse reactions, including death.<sup>4</sup>

14. The product “Neptune’s Fix” caused growing concern in New Jersey due to its highly addictive nature and potential to cause severe health issues. The New Jersey Poison Control Center reported 20 severe cases of Tianeptine ingestion, including seizures and loss of consciousness, between June and November 2023.<sup>5</sup>

15. State officials, including Rep. Frank Pallone, Jr., highlighted the product’s dangerous and addictive properties, leading to calls for stricter regulations and enforcement to protect public health.<sup>6</sup>

16. Despite all this, on or about October 6, 2023, Defendant Neptune Resources filed an application with The United States Patent and Trademark office to trademark the name “Neptune’s Fix.” The application, serial number 98213153, was filed under the category of Pharmaceuticals.<sup>7</sup>

17. In November 2023, the FDA issued another consumer warning concerning Tianeptine products, including “Neptune’s Fix,” due to severe adverse event reports, including seizures, loss of consciousness, and hospitalization.

18. Despite all the above, Defendants continued to manufacture, distribute and sell Neptune’s Fix with Tianeptine to the public.

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<sup>4</sup> See <https://www.miamiherald.com/news/nation-world/national/article280489479.html> (last accessed July 15, 2024).

<sup>5</sup> See <https://newjersey.news12.com/tianeptine-neptunes-fix-gas-station-heroin-concerns-grow-new-jersey> (last accessed July 15, 2024).

<sup>6</sup> See <https://democrats-energycommerce.house.gov/media/press-releases/pallone-raises-concern-over-gas-station-heroin> (last accessed July 15, 2024).

<sup>7</sup> See <https://www.legalhoop.com/trademark/detail/98213153/NEPTUNE'S%20FIX> (last accessed July 15, 2024).

## **INCIDENT**

19. On December 6, 2023, Matthew J. Cornier purchased “Neptune's Fix Elixir” from Defendant Hometown Market.

20. Shortly thereafter, Matthew Cornier consumed the Neptune’s Fix, suffered a seizure, cerebral anoxia, acute heart failure, and/or cardiac arrhythmia, and died.

21. The Ocean County Medical Examiner concluded that Matthew Cornier’s death was caused by the adverse effect of Tianeptine with THC.

22. In January 2024, after this incident, Defendant Neptune Resources finally voluntarily recalled Neptune’s Fix Elixir.

23. The FDA warned that Super Chill Products, a distributor of Neptune’s Fix, is also recalling their products. The company has not issued a public notification to inform consumers of their recall.<sup>8</sup>

## **COUNT I: STRICT PRODUCTS LIABILITY (Plaintiff v. All Defendants)**

24. The allegations in the preceding paragraphs are hereby incorporated as if fully restated herein.

25. Defendants, Neptune Resources, Super Chill CBD Products, Hometown Market, John/ Jane Does 1-10 and ABC Corporations 1-10, jointly, severally and/or in the alternative, at all times relevant hereto, were corporations engaged in the design, manufacture, production, packaging, marketing, sale, and distribution of “Neptune’s Fix.”

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<sup>8</sup> See <https://www.fda.gov/drugs/drug-safety-and-20ATL-L-000668-24%2004/01/2024%204:00:41%20PM%20Pg%202%20of%209%20Trans%20ID:%20LCV2024834841%203%20availability/fda-warns-consumers-not-purchase-or-use-neptunes-fix-or-any-tianeptine-productdue-%20serious-risks> (last accessed July 15, 2024).

26. The aforesaid “Neptune’s Fix” was designed, manufactured, produced, packaged, marketed, sold, and distributed by Defendants, Neptune Resources, Super Chill CBD Products, Hometown Market, John/Jane Does 1-10, and ABC Corporations 1-10, jointly, severally and/or in the alternative, by and through their employees and agents, in a defective condition, unreasonably dangerous to consumers, and was in such defective condition on and before December 6, 2023, in that it was defectively designed, manufactured, produced, packaged, sold, and distributed; constituted a dangerous hazard to consumers; was unsafe for its intended use; was improperly designed, manufactured, produced, packaged, tested, inspected, distributed, and sold; was otherwise defective; and the aforesaid Defendants are strictly liable to Plaintiff.

27. Defendants, Neptune Resources, Super Chill CBD Products, Hometown Market, John/Jane Does 1-10, and ABC Corporations 1-10, jointly, severally and/or in the alternative, expressly and/or impliedly warranted and represented improperly that “Neptune’s Fix” was of good and merchantable quality and fit for consumption.

28. As a direct and proximate result of the defective, design, manufacturing, marketing, sale, distribution, and/or lack of warnings, Matthew Cornier sustained personal injuries, resulting in his death.

29. All Defendants are strictly liable to Plaintiff pursuant to the New Jersey Products Liability Act, N.J.S.A. 2A:58C-1, et seq.

**WHEREFORE**, Plaintiff demands judgment against all Defendants for compensatory damages, interest, and costs of suit.

**COUNT II: NEGLIGENCE**  
**(Plaintiff v. All Defendants)**

30. The allegations in the preceding paragraphs are hereby incorporated as if fully restated herein.

31. Defendants, Neptune Resources, Super Chill CBD Products, Hometown Market, John/ Jane Does 1-10, and ABC Corporations 1-10, jointly, severally and/or in the alternative, were, at all times relevant hereto, corporations engaged in the design, manufacture, production, packaging, marketing, sale, and distribution of “Neptune’s Fix.”

32. All Defendants, jointly, severally and/or in the alternative, at all times relevant hereto, through their principals, administrators, agents, employees, and/or representatives, were under a duty of care to sell a product that was reasonably fit, suitable, and safe for its intended use, such that it is not unreasonably dangerous and such that it did not cause injury to a reasonably foreseeable user.

33. “Neptune’s Fix” was placed in the stream of commerce by Defendants and was not reasonably fit, suitable, or safe for its intended use.

34. The aforesaid “Neptune’s Fix” was negligently and carelessly designed, manufactured, produced, packaged, marketed, sold, and distributed by Defendants, Neptune Resources, Super Chill CBD Products, Hometown Market John Does /Jane Does 1-10, and ABC Corporations 1-10, jointly, severally and/or in the alternative, by and through their employees and agents, in a condition that was unreasonably dangerous to customers, and was in such unreasonably dangerous condition on and before December 6, 2023, in that it was negligently and carelessly designed, manufactured, produced, packaged, sold, and distributed; constituted an unreasonably dangerous hazard to consumers; was unreasonably unsafe for its intended use; and the aforesaid Defendants were otherwise negligent and careless.

35. All Defendants are liable to Plaintiff under New Jersey law for their negligence and carelessness.

36. As a direct and proximate result of the negligent and careless design, manufacturing, marketing, sale, and/or lack of warnings, as detailed above, Matthew Cornier sustained personal injuries, resulting in his death.

**WHEREFORE**, Plaintiff demands judgment against all Defendants for compensatory damages, interest, and costs of suit.

**COUNT III: CONSUMER FRAUD ACT**  
**(Plaintiff v. All Defendants)**

37. The allegations in the preceding paragraphs are hereby incorporated as if fully restated herein.

38. The Defendants engaged in Consumer Fraud in violation of N.J.S.A. 56:8-1, et. seq., in the unconscionable manner by which the Defendants manufactured, distributed, marketed, and sold "Neptune's Fix" with Tianeptine.

39. The Defendants deliberately withheld information concerning the contents and known dangers to health and human safety posed by the product, "Neptune's Fix".

40. The Defendants deliberately produced false and misleading statements, advertising, and marketing of the product, including a description of the product as "Happiness in a Bottle" with no adverse effects.

41. The Defendants made this dangerous product, "Neptune's Fix," available for purchase over the counter by any consumer without warning of the serious threat to health and human safety.

42. As a direct and proximate result of the fraudulent and unconscionable design, manufacturing, marketing, sale and/or lack of warning as detailed above, Matthew Cornier sustained personal injuries, resulting in his death.



**WHEREFORE**, Plaintiff demands judgment against all Defendants as provided by the New Jersey Consumer Fraud Act, including treble damages, attorney's fees, and costs of suit.

**COUNT IV: RECKLESSNESS**  
**(Plaintiff v. All Defendants)**

43. The allegations in the preceding paragraphs are hereby incorporated as if fully restated herein.

44. The incident, injuries, and damages described herein were caused by the recklessness of all Defendants, individually, jointly and/or severally, by and/or through their agents, workmen, servants and/or employees.

45. Defendants' acts and/or failures to act under the circumstances of this case were outrageous in that Defendants' conduct amounted to a reckless indifference to the safety of others.

46. Defendants knew and had reason to know of facts which created a high degree of risk of physical harm and death to another.

47. Despite this knowledge, Defendants willfully, wantonly, deliberately, recklessly, and unlawfully proceeded to act and/or failed to act, as set forth specifically above, in reckless and conscious disregard of or with indifference to the safety and well-being of others, including the Plaintiff's Decedent.

48. Despite this knowledge, Defendants willfully, wantonly, deliberately, recklessly, and unlawfully proceeded to act and/or failed to act, as set forth specifically above, for business reasons, to increase profits, in reckless and conscious disregard of or with indifference to the safety and well-being of others, including the Plaintiff's Decedent.

49. Defendants' willful, wanton, deliberate, reckless, and unlawful actions and/or inactions, as set forth above, proximately caused the injuries and damages set forth herein.

50. Defendants should be appropriately punished with the imposition of punitive damages. In addition, Defendants and others should be deterred in the future from manufacturing, distributing, and selling dangerous products and failing to protect the safety of persons such as Plaintiff's Decedent.

**WHEREFORE**, Plaintiff demands judgment against all Defendants for punitive damages, interest, costs of suit, and attorney's fees.

**COUNT V: SURVIVAL**  
**(Plaintiff v. All Defendants)**

51. The allegations in the preceding paragraphs are hereby incorporated as if fully restated herein.

52. As a direct and proximate result of Defendants' tortious conduct, Decedent was caused to suffer devastating pain, suffering, and mental anguish; he sustained a loss of earnings and a loss of earning capacity; he sustained a loss of enjoyment of life and loss of life's pleasures; and was prevented from performing all his usual duties, occupations and avocations, all to his great loss and detriment.

53. As a result, Plaintiff, June Cornier, Administratrix Ad Prosequendum of the Estate of Matthew Cornier, seeks all damages recoverable under the New Jersey Survival Statute.

**WHEREFORE**, Plaintiff demands judgment against all Defendants for damages, interest, and costs of suit.

**COUNT VI: WRONGFUL DEATH**  
**(Plaintiff v. All Defendants)**

54. The allegations in the preceding paragraphs are hereby incorporated as if fully restated herein.

55. As a direct and proximate result of Defendants' tortious conduct, Decedent's Wrongful Death beneficiaries have been and will continue to be wrongfully deprived of the

services, society, consortium, companionship, and comfort which Decedent would have provided. The beneficiaries have been, and will continue to be deprived of the guidance, which they would have received from Decedent.

56. As a direct and proximate result of Defendants' tortious conduct, Decedent's Wrongful Death beneficiaries suffered, are suffering for an indefinite period of time, and in the future will suffer a loss of financial support and the beneficiaries have been wholly deprived of the contributions that they would have received from Decedent including money which Decedent would have provided for such items as clothing, shelter, food, medical care, vacations, entertainment, recreation and gifts.

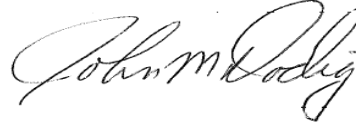
57. As a direct and proximate result of Defendants' tortious conduct, Decedent's Wrongful Death beneficiaries incurred and paid various sums of money for medical treatment, hospital care, and medicine rendered to Decedent from the time of his injury until the time of his death.

58. As a direct and proximate result of Defendants' tortious conduct, Decedent's Wrongful Death beneficiaries have been caused to incur funeral, burial, and estate administration expenses.

59. Plaintiff, June Cornier, individually, and as Administratrix Ad Prosequendum of the Estate of Matthew Cornier, deceased, brings this action on behalf of all Wrongful Death beneficiaries and seeks all damages recoverable under the New Jersey Wrongful Death Statute.

**WHEREFORE**, Plaintiff demands judgment against all Defendants for damages, interest, and costs of suit.

FELDMAN, SHEPHERD, WOHLGELERNTER,  
TANNER, WEINSTOCK & DODIG



Date: September 4, 2024

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JOHN M. DODIG, ESQUIRE  
JASON A. DARIA, ESQUIRE  
Attorneys for Plaintiff

**JURY DEMAND**

Plaintiff hereby requests a Trial by Jury as to all issues referred to in this Complaint.

**CERTIFICATION**

I certify that to the best of my knowledge this matter is not the subject of any pending lawsuit or arbitration. I further certify that no other parties should be joined in this action at this time.

**DEMAND FOR ANSWERS TO INTERROGATORIES**

Plaintiff hereby demands that the Defendants answer Form C and C4 Interrogatories within the time prescribed by the Rules of Court.

**DEMAND FOR INSURANCE INFORMATION**

Pursuant to *R. 4:10-2(b)*, demand is hereby made on all Defendants for the disclosure of the policy limits of any and all liability and/or excess liability insurance policies held by the Defendants pertaining to the averments of Plaintiff's Complaint, including but not limited to the name and address of each insurance company and the policy numbers for each. In lieu hereof, Plaintiff requests a copy of the declarations sheet for each such policy.

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to R.4:25-4, John M. Dodig, Esquire and Jason A. Daria, Esquire are hereby designated as Trial Counsel in the above-captioned litigation, on behalf of Plaintiff.

FELDMAN, SHEPHERD, WOHLGELERNTER,  
TANNER, WEINSTOCK & DODIG



Date: September 4, 2024

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JOHN M. DODIG, ESQUIRE  
JASON A. DARIA, ESQUIRE  
Attorneys for Plaintiff



# Civil Case Information Statement

## Case Details: MIDDLESEX | Civil Part Docket# L-005070-24

**Case Caption:** CORNIER JUNE VS NEPTUNE RESOURCES, L LC

**Case Initiation Date:** 09/05/2024

**Attorney Name:** JOHN M DODIG

**Firm Name:** FELDMAN, SHEPHERD, WOHLGELERNTER, TANNER, WEINSTOCK & D

**Address:** 5 CROOKED LN  
CHERRY HILL NJ 08034

**Phone:** 8564445291

**Name of Party:** PLAINTIFF : Cornier, June, M

**Name of Defendant's Primary Insurance Company**  
(if known): Unknown

**Case Type:** PRODUCT LIABILITY

**Document Type:** Complaint with Jury Demand

**Jury Demand:** YES - 12 JURORS

**Is this a professional malpractice case?** NO

**Related cases pending:** NO

**If yes, list docket numbers:**

**Do you anticipate adding any parties (arising out of same transaction or occurrence)?** NO

**Does this case involve claims related to COVID-19?** NO

**Are sexual abuse claims alleged by: June M Cornier?** NO

**Are sexual abuse claims alleged by: June M Cornier?** NO

## THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

**Do parties have a current, past, or recurrent relationship?** NO

**If yes, is that relationship:**

**Does the statute governing this case provide for payment of fees by the losing party?** NO

**Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:**

**Do you or your client need any disability accommodations?** NO

**If yes, please identify the requested accommodation:**

**Will an interpreter be needed?** NO

**If yes, for what language:**

**Please check off each applicable category:** Putative Class Action? NO Title 59? NO Consumer Fraud? NO Medical Debt Claim? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

09/05/2024  
Dated

/s/ JOHN M DODIG  
Signed

