

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

2003 NOV 20 PM 3:21
LORETTA G. WHYTE
CLERK

FRANK PRINGLE, Individually and
On Behalf of All Others
Similarly Situated,

Plaintiff

VS.

MERCK & CO., INC., KENNETH C.
FRAZIER, RICHARD C. HENRIQUES,
RAYMOND V. GILMARTIN, JUDY C.
LEWENT and MARY M. MCDONALD,

Defendants

CASE NO. 03-3125

DIVISION N-2

JURY DEMAND

FIRST AMENDED COMPLAINT

NOW INTO COURT, through undersigned counsel, comes Plaintiff, FRANK PRINGLE, individually and on behalf of all others similarly situated, and respectfully represents to this Honorable Court that he desires to amend the Original Complaint filed herein in the following exclusive particulars:

1.

By supplementing and amending the Original Complaint to add a paragraph in between paragraphs 8 and 9, hereinafter referred to as paragraph 8a as follows:

8a. Defendant, ABC Insurance Corporation, is Merck's Directors' and Officers' liability insurer. ABC Insurance Corporation is liable jointly and in solido with its insureds, Defendants, Gilmartin, Frazier, Henriques, Lewent and McDonald, under La.R.S. 22:655, the "Direct Action" statute.

Fee _____
Process gag/smo
 Dkt'd 2/2/04
CtRmDep _____
Doc No 2

2.

By supplementing and amending the Original Complaint to attach the Affidavit of Plaintiff, Frank Pringle (attached hereto as Exhibit "A").

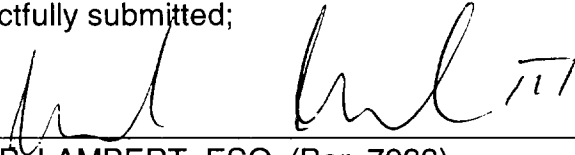
3.

By supplementing and amending the Original Complaint to attach a listing of Merck Securities bought and sold on behalf of Plaintiff, Frank Pringle (attached hereto as Exhibit "B").

WHEREFORE, Plaintiff, reiterating the prayer of his original Complaint, as amended hereinabove, prays for relief and judgment as follows:

- A. Determining that this action is a proper class action, designating Plaintiff as Lead Plaintiff and certifying Plaintiff as a class representative under Rule 23 of the Federal Rules of Civil Procedure and Plaintiff's counsel as Lead Counsel;
- B. Awarding compensatory damages in favor of Plaintiff and the other Class members against all Defendants, jointly and severally, for all damages sustained as a result of Defendants' wrongdoing, in an amount to be proven at trial, including interest thereon;
- C. Awarding Plaintiff and the Class their reasonable costs and expenses incurred in this action, including counsel fees and expert fees; and
- D. Such other and further relief as the Court may deem just and proper.

All of which is hereby respectfully submitted;



HUGH P. LAMBERT, ESQ. (Bar 7933)
LINDA J. NELSON, ESQ. (Bar 9938)
C. MARK WHITEHEAD, III, ESQ. (Bar 27682)
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701 Magazine Street
New Orleans, Louisiana 70130
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CARLENE RHODES LEWIS, ESQ. (TX Bar
16821600)
SHELLY A. SANFORD, ESQ. (TX Bar 00784904)
Goforth, Lewis, Sanford & Wilson, LLP
2200 Heritage Plaza
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Houston, Texas 77002
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JULES BRODY, ESQ. (NY 9151)
Stull, Stull & Brody
6 East 45th Street
New York, New York 10017
Telephone: 212-687-7230
Facsimile: 212-490-2022

PLEASE SERVE WITH A COPY OF THE
ORIGINAL COMPLAINT AND FIRST
AMENDED COMPLAINT:

Merck & Co., Inc.
Raymond V. Gilmartin
Kenneth C. Frazier
Richard C. Henriques
Judy C. Lewent
Mary M. McDonald

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FRANK PRINGLE, Individually and On Behalf *
of All Others Similarly Situated, *

Plaintiff *

VS. *

MERCK & CO., INC., KENNETH C. FRAZIER, *
RICHARD C. HENRIQUES, RAYMOND V. *
GILMARTIN, JUDY C. LEWENT and MARY *
M. MCDONALD, *

Defendants *

CASE NO. 03-3125

DIVISION N-2

JURY DEMAND

AFFIDAVIT OF PLAINTIFF, FRANK PRINGLE

State of Louisiana
Parish of Orleans

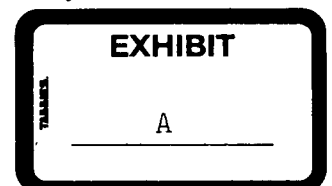
BEFORE ME, the undersigned Notary Public duly commissioned and qualified in
and for the Parish of Orleans, State of Louisiana,

PERSONALLY CAME AND APPEARED:

FRANK PRINGLE

a person of the full age of majority and a resident of and domiciled in the Parish of
Jefferson, State of Louisiana upon being first duly sworn by me did depose and state as
follows:


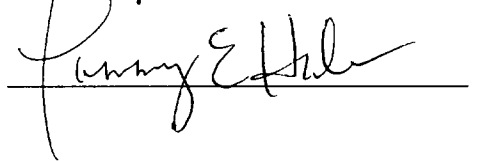
1. Affiant has reviewed the complaint in the above captioned matter and authorized its filing;
2. Affiant did not purchase the security that is the subject of the complaint at the direction of his counsel or in order to participate in any private action;
3. Affiant is willing to serve as a representative party on behalf of a class, including providing testimony at deposition and trial, if necessary;

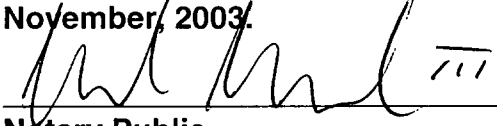


4. Affiant attaches hereto evidence of the transactions of the affiant in the security that is the subject of the complaint during the class period specified in the complaint;
5. Affiant has not sought to serve as a representative party on behalf of a class in any action;
6. Affiant will not accept any payment for serving as a representative party on behalf of a class beyond affiant's pro rata share of any recovery, except as ordered or approved by the court.


FRANK PRINGLE
AFFIANT

WITNESSES:

Sworn to and subscribed before me,
Notary Public, this 17th day of
November, 2003.

Notary Public
(My commission expires with life)

Alexis

From: Mark
Sent: Tuesday, November 18, 2003 2:15 PM
To: Alexis
Subject: FW: MRK

-----Original Message-----

From: Newburger, F. Kirby [mailto:fkirby.newburger@agedwards.com]
Sent: Tuesday, November 18, 2003 11:35 AM
To: Frank E. Pringle (E-mail)
Cc: Mark Whitehead (E-mail)
Subject: MRK

Frank:

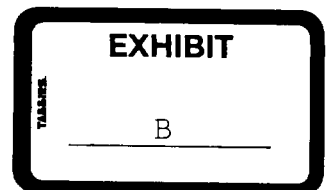
Per your request:

01/29/1997	BOT	70	Shares @	44.05714	=	\$3,084.00
07/23/1998	BOT	40	Shares @	62.625	=	\$2,505.00
10/12/1998	BOT	200	Shares @	68.89	=	\$13,778.00
10/21/1998	BOT	70	Shares @	66.00	=	\$4,620.00
03/27/2001	BOT	90	Shares @	73.91	=	\$6,651.90
07/11/2001	SLD	270	Shares @	62.22	=	\$16,799.40
07/15/2002	SLD	200	Shares @	43.94	=	\$8,788.00



Regards,
Kirby
F. Kirby Newburger
Vice President - Investments
A.G. Edwards & Sons, Inc.
2 Sanctuary Boulevard, Suite101
Mandeville, LA 70471-2951
504-529-7593 direct line from New Orleans
985-626-7717 main line
800-825-7717 toll free
504-450-2820 cellular

A.G. Edwards & Sons' outgoing and incoming e-mails are electronically archived and subject to review and/or disclosure to someone other than the recipient. We cannot accept orders for transactions or other similar instructions through e-mail. We cannot ensure the security of information e-mailed over the Internet, so you should be careful when transmitting confidential information such as account numbers and security holdings.



UNITED STATES DISTRICT COURT
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Defendants

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AFFIDAVIT OF PLAINTIFF, FRANK PRINGLE

State of Louisiana
Parish of Orleans

BEFORE ME, the undersigned Notary Public duly commissioned and qualified in
and for the Parish of Orleans, State of Louisiana,

PERSONALLY CAME AND APPEARED:

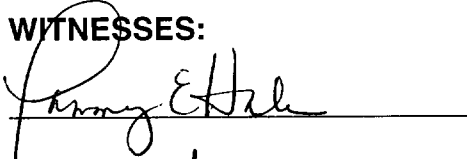
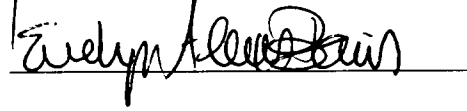
FRANK PRINGLE

a person of the full age of majority and a resident of and domiciled in the Parish of
Jefferson, State of Louisiana upon being first duly sworn by me did depose and state as
follows:

1. Affiant has reviewed the amended complaint in the above captioned matter and authorized its filing.


FRANK PRINGLE
AFFIANT

WITNESSES:

Sworn to and subscribed before me,
Notary Public, this 20 day of
November, 2003.


Notary Public
(My commission expires with life)