

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

MIRENA IUD PRODUCTS LIABILITY LITIGATION

ORDER

This Document Relates To

13-MD-2434 (CS)

Pena v. Bayer, 15-CV-3830

14-CV-980 (CS)

Twitty v. Bayer, 15-CV-3833

14-CV-1479 (CS)

Valdez v. Bayer, 14-CV-1479

15-CV-3830 (CS)

Vanhook v. Bayer, 14-CV-980

15-CV-3833 (CS)

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Seibel, J.

Pursuant to Case Management Order (“CMO”) 22A, and for the reasons stated on the record in court on May 3, 2016, Defendants’ Motions to Dismiss *Pena v. Bayer* (15-CV-3830), (13-MD-2434 Doc. 2875; 15-CV-3830 Doc. 9), and *Twitty v. Bayer* (15-CV-3833), (13-MD-2434 Doc. 2883; 15-CV-3833 Doc. 14), are hereby GRANTED.

Pursuant to CMO 22A, and for the reasons stated on the record in court on May 3, 2016, Defendants’ Motion to Dismiss *Valdez v. Bayer* (14-CV-1479) is hereby GRANTED with respect to claims alleging design defect and strict liability. These claims are dismissed with prejudice. Further, this case is hereby remanded to the Northern District of Texas if Plaintiff wishes to pursue a claim that is not barred by the statute of limitations.

Pursuant to CMO 22A, and for the reasons stated on the record in court on May 3, 2016, Defendants’ Motion to Dismiss *Vanhook v. Bayer* (14-CV-980) is hereby GRANTED with respect to Plaintiff’s products liability claims. If Plaintiff wishes to oppose Defendants’ motion to dismiss her breach of warranty, fraud and punitive damages claims, Plaintiff may submit a letter, not more than 3 pages, by May 10, 2016 explaining why those causes of action should not be dismissed. Defendants can reply by May 17, 2016.

The Clerk of Court is respectfully requested to spread this Order to and close *Pena v. Bayer* (15-CV-3830) and *Twitty v. Bayer* (15-CV-3833). The Clerk of Court is also respectfully requested to terminate the pending motions at 13-MD-2434 Docs. 2875, 2883, 15-CV-3830 Doc. 9 and 15-CV-3833 Doc. 14. The Clerk of Court is respectfully requested to spread this Order to *Valdez v. Bayer* (14-CV-1479), terminate the pending motions at 13-MD-2434 Doc. 2884 and 14-CV-1479 Doc. 59, and remand the case to the Northern District of Texas. The Clerk of Court is respectfully requested to spread this Order to *Vanhook v. Bayer* (14-CV-980).

SO ORDERED.

Dated: May 3, 2016
White Plains, New York



CATHY SEIBEL, U.S.D.J.