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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE: PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION, This document relates to: See Appendix A	MDL NO. 1407 ORDER GRANTING DEFENDANT WYETH'S MOTION FOR DISMISSAL WITH PREJUDICE

THIS MATTER comes before the court on a motion for dismissal with prejudice pursuant to Case Management Order ("CMO") 13 by Wyeth f/k/a American Home Products Corporation.[1] Having reviewed the pleadings filed in support of and in opposition to this motion, the court finds and rules as follows:

I. BACKGROUND

On May 2, 2003, the court entered CMO 13 requiring counsel for plaintiffs naming more than one manufacturing defendant in their complaint to file and serve an affirmation setting forth the PPA product or products allegedly ingested by each plaintiff and the defendant or defendants whom the plaintiff claims is the

[1] This motion was filed on August 11, 2003.

01-MD-01407-ORD

manufacturer of those products. Under CMOs 13 and 13A, which the court entered on June 21, 2003, a defendant who is not named in the affirmation can move to dismiss the claims against it.

Defendant Wyeth now moves to dismiss the plaintiffs in the cases identified in Appendix A of this order for either failing to file affirmations or Plaintiffs Fact Sheets ("PFS"), pursuant to CMO 6, or for failing to identify defendant or defendant's products in the affirmations or PFS that were filed. Various plaintiffs represented by the same counsel filed a collective opposition contending that dismissal is not appropriate.

II. DISCUSSION

Plaintiffs allege that CMO 15A renders this motion moot and supercedes CMOs 13 and 13A. CMO 15A, along with CMO 15, requires plaintiffs in mass joinder cases to file individually severed complaints. CMO 15A provides a means by which plaintiffs who fail to file such timely severed complaints will be dismissed. Accordingly, nothing in CMO 15 or 15A supercedes CMOs 13 and 13A. Furthermore, plaintiffs' argument that the present motion be denied because it "is possible that Plaintiffs identified Defendants' PPA-containing products in the individual new Complaints and not Affirmations," makes no sense given that the newly severed complaints cannot include any new allegations. If plaintiffs failed to identify Wyeth or any Wyeth products in their affirmations, which were based on their original complaints, the newly severed complaints cannot now identify Wyeth

or Wyeth products.

Given that the plaintiffs at issue fail to provide any other substantive basis for opposing defendant's motion - for instance, plaintiffs do not assert that they have properly filed affirmations or that the affirmations do in fact name defendant or defendant's products - the court finds that dismissal under CMOs 13 and 13A is appropriate. As such, Wyeth's motion for dismissal with prejudice pursuant to CMOs 13 and 13A is GRANTED. The claims against Wyeth in the cases listed in Appendix A are DISMISSED with prejudice.

DATED at Seattle, Washington this 27 day of OCTOBER, 2003.

Barbara J Rothstein

BARBARA JACOBS ROTHSTEIN
UNITED STATES DISTRICT JUDGE

ATTACHMENT A TO WYETH'S MOTION TO DISMISS UNDER CMO 13

MDL DOCKET	DISTRICT CT. #	CASE CAPTION	PLAINTIFF NAME
02-1595	01-753	Sifritt v. Glaxosmithkline, PLC, et al.	Randy Sifritt
02-508	02-00112	Weavers v. AHP	Weavers, Mariana & Paul
02-2160	02-139	Bernal v. Wyeth	Bernal, Carlota
02-2159	L-02-55	Gonzalez v. Bayer	Gonzalez, Jose A.
02-2539	02-0310	Valdez v. AHP	Valdez, Ruben
03-351	02-2953	Jeremy Clay Fleming v. Bayer	Fleming, Jeremy
03-351	02-2953	Jeremy Clay Fleming v. Bayer	Harper, Frenchie
03-351	02-2953	Jeremy Clay Fleming v. Bayer	Henderson, Gloria
03-351	02-2953	Jeremy Clay Fleming v. Bayer	McSpadden, Roger
03-351	02-2953	Jeremy Clay Fleming v. Bayer	Mitchell, Deloris
02-1856	02-1831	Ackel v. Wyeth	Ackel, Leslie
02-1856	02-1831	Ackel v. Wyeth	Allen, Martha Ann
02-1856	02-1831	Ackel v. Wyeth	Allen, Sarina
02-1856	02-1831	Ackel v. Wyeth	Anderson, Carol
02-1856	02-1831	Ackel v. Wyeth	Barnese, Mary
02-1856	02-1831	Ackel v. Wyeth	Barquet, Stephen
02-1856	02-1831	Ackel v. Wyeth	Bolian, Carol D.
02-1856	02-1831	Ackel v. Wyeth	Brown, Melinda
02-1856	02-1831	Ackel v. Wyeth	Brown, Sharon

ATTACHMENT A TO WYETH'S MOTION TO DISMISS UNDER CMO 13

02-1856	02-1831	Ackel v. Wyeth	Burrel, Sylvia
02-1856	02-1831	Ackel v. Wyeth	Carto, Raymond, Jr.
02-1856	02-1831	Ackel v. Wyeth	Cheramie, Wendell
02-1856	02-1831	Ackel v. Wyeth	Collins, Adrianne
02-1856	02-1831	Ackel v. Wyeth	Comeaux, Edward
02-1856	02-1831	Ackel v. Wyeth	Cooks, Beverly
02-1856	02-1831	Ackel v. Wyeth	Cooper, Stemmie
02-781	02-108	Adams, Irene v. Wyeth	Craig, Janna
02-1708	02-620	Adams, Linda v. Wyeth	Adams, Linda
02-1708	02-620	Adams, Linda v. Wyeth	Bourgeois, Peggy
02-1708	02-620	Adams, Linda v. Wyeth	Buras, Suze
02-1708	02-620	Adams, Linda v. Wyeth	Gisevious, Daniel
02-1708	02-620	Adams, Linda v. Wyeth	Mang, Henry
02-1708	02-620	Adams, Linda v. Wyeth	Miller, Ida
02-1708	02-620	Adams, Linda v. Wyeth	Triplett, Ida
02-776	02-173	Andry, Kathyleen v. Wyeth	Johnson, Gloria (Raymond)

ATTACHMENT A TO WYETH'S MOTION TO DISMISS UNDER CMO 13

02-797	02-332	Ardoin v. Wyeth	Stevens, Louis (Delsie)
02-790	02-239	Ashley, et al. v. Wyeth	Lee, Howard
02-790	02-239	Ashley, et al. v. Wyeth	McDaniel, Edna (Dwayne)
02-790	02-239	Ashley, et al. v. Wyeth	Stevens, Connie (Allen)
02-1860	02-598	Ashton, Joyce v. Wyeth	Ashton, Joyce
02-542	02-170	Barrilleaux v. Wyeth	Henry, Elvira
02-542	02-170	Barrilleaux v. Wyeth	Johnson, Robert (Dec) (Kenneth Johnson)
02-787	02-148	Beals, et al. v. Wyeth	Griffin, Rachel (Dec) (Elaine Jackson)
02-787	02-148	Beals, et al. v. Wyeth	Keller, Brenda
02-787	02-148	Beals, et al. v. Wyeth	Tate, Brenda
02-907	02-482	Bickham v. Wyeth	Carter, James D., Jr.
02-907	02-482	Bickham v. Wyeth	Johnson, Christina A.
02-907	02-482	Bickham v. Wyeth	Johnson, Pearl W., Lodge

ATTACHMENT A TO WYETH'S MOTION TO DISMISS UNDER CMO 13

02-907	02-482	Bickham v. Wyeth	Jones, Rebecca F. (Walter)
02-907	02-482	Bickham v. Wyeth	Keys, Lillian Williams (Henry)
02-907	02-482	Bickham v. Wyeth	Lancelin, Adrianne
02-907	02-482	Bickham v. Wyeth	Marion, Joseph W., Jr. (Brenda)
02-907	02-482	Bickham v. Wyeth	Mills, Duffie Jean
02-907	02-482	Bickham v. Wyeth	Moore, Alphonse, Sr.
02-907	02-482	Bickham v. Wyeth	Underwood, Carolyn M.
02-907	02-482	Bickham v. Wyeth	Wright, Walter L.
02-543	02-171	Bourgeois v. Wyeth	Bourgeois, Carolyn
02-541	02-119	Brock v. Wyeth	Duplessis, Georgiana
02-541	02-119	Brock v. Wyeth	Stechmann, Catherine
02-2371	02-1750	Byrd v. Wyeth	Burns, Brandy Scott
02-2371	02-1750	Byrd v. Wyeth	Burris, Mazzie
02-2371	02-1750	Byrd v. Wyeth	Cutrer, Ethel Mae

ATTACHMENT A TO WYETH'S MOTION TO DISMISS UNDER CMO 13

02-2371	02-1750	Byrd v. Wyeth	Harrell, Kim
02-2371	02-1750	Byrd v. Wyeth	Harter, Harold
02-2371	02-1750	Byrd v. Wyeth	Jones, Ernie
02-2371	02-1750	Byrd v. Wyeth	Lawson, Rita
02-2371	02-1750	Byrd v. Wyeth	Pamplin, Johny
02-2371	02-1750	Byrd v. Wyeth	Phillips, Alvie
02-2371	02-1750	Byrd v. Wyeth	Porter, Melvin
02-2371	02-1750	Byrd v. Wyeth	Rodrigue, Annise
02-2371	02-1750	Byrd v. Wyeth	Seal, Christine
02-2371	02-1750	Byrd v. Wyeth	Sibley, Katherine
02-2371	02-1750	Byrd v. Wyeth	Smith, Deborah
02-2371	02-1750	Byrd v. Wyeth	Vaughn, Joyce
02-1367	02-301	Earl, et al. v. Wyeth	Earl, Clara
02-1367	02-301	Earl, et al. v. Wyeth	Mayer, Deborah
02-1858	02-1834	Everidge v. Wyeth	Gilbert, Susan
02-1858	02-1834	Everidge v. Wyeth	Green, Helen
02-1858	02-1834	Everidge v. Wyeth	Hayes, Lula
02-1858	02-1834	Everidge v. Wyeth	Hotard, Angela
02-1858	02-1834	Everidge v. Wyeth	Johnson, Joe
02-1858	02-1834	Everidge v. Wyeth	Jones, Burnell
02-1858	02-1834	Everidge v. Wyeth	Jordan, Joseph

ATTACHMENT A TO WYETH'S MOTION TO DISMISS UNDER CMO 13

02-1858	02-1834	Everidge v. Wyeth	Kenny, George E.
02-786	02-145	Fortenberry v. Wyeth	Fortenberry, Rencer (Dec) (Cleveland Golden/Idella Dillon)
02-786	02-145	Fortenberry v. Wyeth	Renninger, Billie
02-1859	02-1835	Landry v. Bayer, et al.	LaPorte, Francis
02-1859	02-1835	Landry v. Bayer, et al.	Lewis, Lula
02-1859	02-1835	Landry v. Bayer, et al.	Lindsey, Edith
02-1859	02-1835	Landry v. Bayer, et al.	Lonzo, Bobby
02-1859	02-1835	Landry v. Bayer, et al.	Mack, Ronald
02-1859	02-1835	Landry v. Bayer, et al.	Mailhes, Sandra
02-1859	02-1835	Landry v. Bayer, et al.	Mayeaux, Rodney W., Sr.
02-1859	02-1835	Landry v. Bayer, et al.	McCrary, Rose (James)
02-1859	02-1835	Landry v. Bayer, et al.	McGee, Evangeline
02-1859	02-1835	Landry v. Bayer, et al.	Metzler, Earl (Rita)
02-1859	02-1835	Landry v. Bayer, et al.	Nelson, Jean
02-1859	02-1835	Landry v. Bayer, et al.	Pembrook, Herman

ATTACHMENT A TO WYETH'S MOTION TO DISMISS UNDER CMO 13

02-1859	02-1835	Landry v. Bayer, et al.	Peralli, Salvator F.
02-1859	02-1835	Landry v. Bayer, et al.	Rankins, Carol
02-1859	02-1835	Landry v. Bayer, et al.	Rogers, Mary (dec) (Rosa Rogers)
02-2372	02-555	Malveaux v. Wyeth	Allen, Dorothy
02-2372	02-555	Malveaux v. Wyeth	Allen, Vera Lee (Shantel Allen obo)
02-2372	02-555	Malveaux v. Wyeth	Bueche, Percy
02-2372	02-555	Malveaux v. Wyeth	Chaney, Brenda
02-2372	02-555	Malveaux v. Wyeth	Davis, Delores
02-2372	02-555	Malveaux v. Wyeth	Deloach, Robert, Jr.
02-2372	02-555	Malveaux v. Wyeth	Delaune, Suzanne
02-2372	02-555	Malveaux v. Wyeth	Fletcher, Beatrice
02-2372	02-555	Malveaux v. Wyeth	Gabriel, Michael
02-2372	02-555	Malveaux v. Wyeth	Gill, George
02-2372	02-555	Malveaux v. Wyeth	Hamilton, Steve
02-2372	02-555	Malveaux v. Wyeth	Johnson, Percy G.
02-2372	02-555	Malveaux v. Wyeth	Malveaux, Rayfield, Jr.
02-2372	02-555	Malveaux v. Wyeth	Daniel Mae (Dec) (April May obo)
02-2372	02-555	Malveaux v. Wyeth	Miles, Denoy (Dec.) (Sonjia Miles Indiv. And o/b/o)
02-2372	02-555	Malveaux v. Wyeth	Miley, Fred
02-2372	02-555	Malveaux v. Wyeth	Rhines, Margaret
02-2372	02-555	Malveaux v. Wyeth	Richardson, Stella

ATTACHMENT A TO WYETH'S MOTION TO DISMISS UNDER CMO 13

02-2372	02-555	Malveaux v. Wyeth	Simpson, Lillie
02-2372	02-555	Malveaux v. Wyeth	Smith, Myron
02-2372	02-555	Malveaux v. Wyeth	Stallworth, Natalie
02-1857	02-1833	Rowe, et al. v. Wyeth	Sanders, Reginald
02-1857	02-1833	Rowe, et al. v. Wyeth	Simmons, Tina
02-1857	02-1833	Rowe, et al. v. Wyeth	Spurlock, Ella Mae
02-1857	02-1833	Rowe, et al. v. Wyeth	St. Cyre, Hortense
02-1857	02-1833	Rowe, et al. v. Wyeth	Taylor, Wendell H.
02-1857	02-1833	Rowe, et al. v. Wyeth	Thomas, Joseph L.
02-1857	02-1833	Rowe, et al. v. Wyeth	Thomas, Phyllis
02-1857	02-1833	Rowe, et al. v. Wyeth	Tousaint, Cynthia
02-1857	02-1833	Rowe, et al. v. Wyeth	Tripps, Whitney
02-1857	02-1833	Rowe, et al. v. Wyeth	Warren, Dorothy
02-1857	02-1833	Rowe, et al. v. Wyeth	Wilson, Leonard
02-2376	02-1190	Stroud, et al. v. Wyeth	Amos, Junice
02-2376	02-1190	Stroud, et al. v. Wyeth	Brown, McKinley, Sr.

ATTACHMENT A TO WYETH'S MOTION TO DISMISS UNDER CMO 13

02-2376	02-1190	Stroud, et al. v. Wyeth	Doyle, Steve (Dec.) by Marlene Fisher
02-2376	02-1190	Stroud, et al. v. Wyeth	Romero, Leona
02-2376	02-1190	Stroud, et al. v. Wyeth	Scott, Abbie
02-2376	02-1190	Stroud, et al. v. Wyeth	Stroud, Peggy
02-2376	02-1190	Stroud, et al. v. Wyeth	Toups, Brenda
02-2376	02-1190	Stroud, et al. v. Wyeth	Wilkerson, Sandra
02-2375	02-1195	B. Adams, et al. v. Wyeth	Allen, Robert E.
02-2375	02-1195	B. Adams, et al. v. Wyeth	Bass, Beatrice
02-2375	02-1195	B. Adams, et al. v. Wyeth	Baxter, Catherine
02-2375	02-1195	B. Adams, et al. v. Wyeth	Blow, Rev. Herbert, Jr.
02-2375	02-1195	B. Adams, et al. v. Wyeth	Bolden, Daisy
02-2375	02-1195	B. Adams, et al. v. Wyeth	Brewer, Jeneva
02-2375	02-1195	B. Adams, et al. v. Wyeth	Brown, J.B.
02-2375	02-1195	B. Adams, et al. v. Wyeth	Brown, Theresa on behalf of Levente Hewitt

ATTACHMENT A TO WYETH'S MOTION TO DISMISS UNDER CMO 13

02-2375	02-1195	B. Adams, et al. v. Wyeth	Burks, Cleo
02-2375	02-1195	B. Adams, et al. v. Wyeth	Carter, Jeanette
02-2375	02-1195	B. Adams, et al. v. Wyeth	Childs, James
02-2375	02-1195	B. Adams, et al. v. Wyeth	Church, Keidra
02-2375	02-1195	B. Adams, et al. v. Wyeth	Collins, L.C.
02-2375	02-1195	B. Adams, et al. v. Wyeth	Crawford, Gertie
02-2375	02-1195	B. Adams, et al. v. Wyeth	Dennis, Mack
02-2375	02-1195	B. Adams, et al. v. Wyeth	Duncan, Rocksy
02-2375	02-1195	B. Adams, et al. v. Wyeth	Ealy, Lorenzo
02-2375	02-1195	B. Adams, et al. v. Wyeth	Frazier, Robert
02-2375	02-1195	B. Adams, et al. v. Wyeth	Howard, Carrie
02-2375	02-1195	B. Adams, et al. v. Wyeth	Johnson, Melvine
02-2375	02-1195	B. Adams, et al. v. Wyeth	King, Jimmy
02-2375	02-1195	B. Adams, et al. v. Wyeth	Lee, Barbara
02-2375	02-1195	B. Adams, et al. v. Wyeth	Lee, Billy J.

ATTACHMENT A TO WYETH'S MOTION TO DISMISS UNDER CMO 13

02-2375	02-1195	B. Adams, et al. v. Wyeth	Luckey, Tanya obo Charlie Blakes
02-2375	02-1195	B. Adams, et al. v. Wyeth	Maxie, Ruthie
02-2375	02-1195	B. Adams, et al. v. Wyeth	McFan, Clim
02-2375	02-1195	B. Adams, et al. v. Wyeth	McGee, Rosa
02-2375	02-1195	B. Adams, et al. v. Wyeth	Nelson, Henry
02-2375	02-1195	B. Adams, et al. v. Wyeth	Nunsant, Dan
02-2375	02-1195	B. Adams, et al. v. Wyeth	Punch, Mary
02-2375	02-1195	B. Adams, et al. v. Wyeth	Reliford, Willie
02-2375	02-1195	B. Adams, et al. v. Wyeth	Robinson, Curtis
02-2375	02-1195	B. Adams, et al. v. Wyeth	Rogers, Lonnie
02-2375	02-1195	B. Adams, et al. v. Wyeth	Scott, Kathy obo Laverne Garner
02-2375	02-1195	B. Adams, et al. v. Wyeth	Smith, Jacqueline obo Charlie Smith
02-2375	02-1195	B. Adams, et al. v. Wyeth	Speed, Shanika
02-2375	02-1195	B. Adams, et al. v. Wyeth	Spencer, Cornelius
02-2375	02-1195	B. Adams, et al. v. Wyeth	Thomas, Larry

ATTACHMENT A TO WYETH'S MOTION TO DISMISS UNDER CMO 13

02-2375	02-1195	B. Adams, et al. v. Wyeth	Turner, Ruby
02-2375	02-1195	B. Adams, et al. v. Wyeth	Walker, Joseph
02-2375	02-1195	B. Adams, et al. v. Wyeth	Walters, Thurman L.
02-2375	02-1195	B. Adams, et al. v. Wyeth	Whitaker, Marcus
02-2375	02-1195	B. Adams, et al. v. Wyeth	White, Brenda Jean
02-2375	02-1195	B. Adams, et al. v. Wyeth	White, Harvey D.
02-2375	02-1195	B. Adams, et al. v. Wyeth	Williams, Etha
02-2375	02-1195	B. Adams, et al. v. Wyeth	Williams, Willie
02-2375	02-1195	B. Adams, et al. v. Wyeth	Williams, Rene
02-2374	02-1194	Patterson, et al. v. Bayer, et al.	Benton, Johnny, Jr.
02-2374	02-1194	Patterson, et al. v. Bayer, et al.	Lee, Joe W.
02-2374	02-1194	Patterson, et al. v. Bayer, et al.	Montgomery, Charles
02-2374	02-1194	Patterson, et al. v. Bayer, et al.	Rushing, John Henry

ATTACHMENT A TO WYETH'S MOTION TO DISMISS UNDER CMO 13

02-2374	02-1194	Patterson, et al. v. Bayer, et al.	Sellers, Robert
02-2374	02-1194	Patterson, et al. v. Bayer, et al.	Vanross, Roy
02-2373	02-1196	Pier, et al. v. Bayer, et al.	Bush, Cynthia
02-2373	02-1196	Pier, et al. v. Bayer, et al.	Greene, Joyce
02-2373	02-1196	Pier, et al. v. Bayer, et al.	McWright, Jessie
02-2373	02-1196	Pier, et al. v. Bayer, et al.	Redmon, Henry
02-2373	02-1196	Pier, et al. v. Bayer, et al.	Thomas, Loretta
02-355	01-286	Riptoe, et al. v. Bayer, et al.	John Riptoe on behalf of Betty Riptoe
01-1649	01-1598	Vera Goins v. Bayer, et al.	Goins, Vera
01-2166	01-2217	Robinson, et al. v. Bayer, et al.	Robinson, Perry
02-421	01-198	Dorothy Newell, et al. v. Wyeth, et al.	Adams, Carrie S.

ATTACHMENT A TO WYETH'S MOTION TO DISMISS UNDER CMO 13

02-421	01-198	Dorothy Newell, et al. v. Wyeth, et al.	Newell, Dorothy
02-421	01-198	Dorothy Newell, et al. v. Wyeth, et al.	Chambers, Priscilla D.
02-421	01-198	Dorothy Newell, et al. v. Wyeth, et al.	Hambrick, Ricky L.
02-421	01-198	Dorothy Newell, et al. v. Wyeth, et al.	Smith, Sandra S.
02-2532	02-133	Eugene Wilson, et al. v. Wyeth, et al.	Wilson, Eugene
02-2537	02-498	Helen Pipes v. Bayer Corporation, et al.	Pipes, Helen, rep. of Lavary Pipes
02-2535	02-151	Kathleen Burchfield v. Wyeth, et al.	Burchfield, Kathleen