

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PATRICIA WEST, as legal)
guardian of LAQUINTON K.)
WEST, and TERESA HARPER,)
as legal guardian of CLINTON)
HARPER,)
)
Plaintiff,)
)
v.)
)
JANSSEN)
PHARMACEUTICALS, INC.,)
)
Defendants.)

CASE NO. 2:15-CV-553-WKW
[WO]

ORDER

On August 4, 2017, the Magistrate Judge filed a Recommendation to which no timely objections have been filed. (Doc. # 173.) Upon an independent review of the record and upon consideration of the Recommendation, it is ORDERED that the Recommendation is ADOPTED. Accordingly, it is ORDERED as follows:

- (1) The claims of Plaintiff West and Plaintiff Harper are SEVERED, and each Plaintiff shall proceed separately in his own respective case;
- (2) The Clerk is DIRECTED to open a new case for Plaintiff Harper, assigning the same presiding and referral judges as the present case, and to docket in the new case this Order and a text entry indicating that all previous court

documents were filed in 2:15-cv-553. All future filings relating to Plaintiff Harper shall be filed in the new case, and Defendant Janssen Pharmaceuticals, Inc., shall pay the separate filing fee on or before **September 12, 2017**;

(3) The motions for summary judgment (Docs. # 66, 78) are GRANTED IN PART in favor of Defendant and against Plaintiffs as to Plaintiffs' claims for breach of express warranty, breach of implied warranty of fitness for a particular purpose, and civil conspiracy as Plaintiffs have conceded Defendant is entitled to judgment in their favor on those three claims;

(4) On the pending *Daubert* motions (Docs. # 64, 107, 69, 73, 75, 80, 82, and 84) and for the claims remaining in the summary judgment motions (Docs. # 66, 78), it is ORDERED that the motions are DENIED without prejudice. The parties may refile *Daubert* motions and/or dispositive motions on any of the remaining claims as the claim relates to the individual Plaintiff in the respective Plaintiff's case on or before 30 days from the entry of this Order. If refiled, the *Daubert* motions and summary judgment motions should be tailored to each particular Plaintiff with citation to evidence and authority that relates to that particular Plaintiff.

DONE this 8th day of September, 2017.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE