

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

In re:	:	MDL Docket No. 4:03CV1507-WRW
	:	4:05CV00697
PREMPRO PRODUCTS LIABILITY LITIGATION	:	
	:	
BARBARA SPICER	:	PLAINTIFF
	:	
v.	:	
	:	
WYETH, et al.	:	DEFENDANTS

ORDER

Pending is Defendants Watson Laboratories Inc.’s and Barr Laboratories, Inc’s Motion to Dismiss Pursuant to Fed. R. Civ. P. 4(m) (Doc. No. 7). Plaintiff has responded and Defendants have replied.¹

On January 25, 2005, Plaintiff filed this case in the Middle District of Florida.² Plaintiff served the Complaint on six of the named Defendants but did not serve Watson Laboratories, Inc. (“Watson) or Barr Laboratories, Inc. (“Barr”).³ On October 8, 2008, Watson’s counsel met with Plaintiff’s counsel regarding other cases. At that time, Plaintiff’s counsel mentioned this case, but Watson’s counsel informed Plaintiff’s counsel that Ms. Spicer’s Complaint had never

¹Doc. Nos. 8, 9.

²Doc. Nos. 7, 8.

³Doc. No. 7.

been served on Watson.⁴ On October 22, 2008, Plaintiff served her complaint on Watson and Barr.⁵

The circumstances surrounding service in this case do not warrant dismissal of Plaintiff's claims against Watson or Barr. Accordingly, Defendants' Motion to Dismiss Pursuant to Fed. R. Civ. P. 4(m) (Doc. No. 7) is DENIED. Because Watson and Barr concede that they have now been properly served, it is not necessary for me to direct proper service. Since Watson and Barr contend that Plaintiff still has not served them with her fact sheet,⁶ Plaintiff is directed to do so by 5 p.m., Tuesday, December 9, 2008.

IT IS SO ORDERED this 2nd day of December, 2008.

/s/ Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

⁴*Id.*

⁵Doc. No. 8.

⁶Doc. No. 9, Exs. 4, 5.