

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

**MYSTIC THOMPSON, Individually
And On Behalf of All Others
Similarly Situated**

PLAINTIFF

V.

4:07CV00017 JMM

**BAYER CORPORATION;
BAYER HEALTHCARE, LLC**

DEFENDANTS

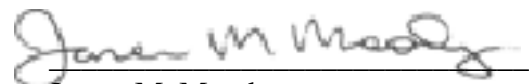
ORDER

Pending is the Plaintiff's Motion for Class Certification. The parties have briefed the issues and have presented their arguments to the Court.

The Court is concerned that the facts as alleged in the Complaint do not mirror the argument made by the Plaintiff regarding the reliance issue. After consideration of the Defendants' argument, the Court agrees that the Plaintiff is bound by the allegations contained in her Complaint. However, the Court will allow the Plaintiff to amend her Complaint to include only the facts and allegations on which she is relying at this time.

In addition, the Court requests that the Plaintiff submit a set of proposed jury instructions which she believes would incorporate the unjust enrichment laws of the 50 states. Plaintiff has up to and including November 21, 2008 to make the amendment and to submit the proposed jury instructions.

IT IS SO ORDERED this 12th day of November 2008.



James M. Moody
United States District Judge