

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

TIMOTHY BOEHM

PLAINTIFF

v.

No. 4:10-cv-159-DPM

ELI LILLY & CO.

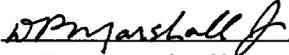
DEFENDANT

ORDER

Boehm's motion, *Document No. 123*, for some kind of final adjudication of the remaining claims in the case so he can appeal is granted. The Court dismissed count I (strict liability warnings) with prejudice in the 4 October 2012 Order, *Document No. 121*. Boehm's motion to dismiss count II (extended manufacturer's liability) and count VII (negligent misrepresentation) without prejudice, *Document No. 100*, is granted. Boehm's new motion to dismiss all his remaining claims with prejudice, *Document No. 123*, is granted: count III (negligence), count IV (breach of implied warranty), count V (breach of express warranty), count VI (fraud), and count VIII (fraud by concealment) are dismissed with prejudice. These dismissals resolve all Boehm's claims. The Court will enter Judgment accordingly. The Court appreciates counsel's

tactical decision to trim the case to its core. The joint motion, *Document No. 122*, is denied as moot.

So Ordered.



D.P. Marshall Jr.
United States District Judge

5 February 2013