

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

JOYCE FULLINGTON

PLAINTIFF

v.

No. 4:10CV00236 JLH

PLIVA, INC., formerly known as
Pliva USA, Inc.; and MUTUAL
PHARMACEUTICAL COMPANY, INC.

DEFENDANTS

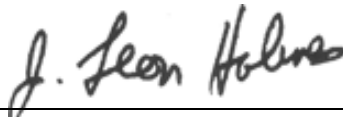
ORDER

After reviewing the plaintiff's second amended complaint, the Court has concluded that one more (hopefully final) round of briefing on the preemption issues is in order. The Court directs the plaintiff to file a brief explaining her views as to why her claims for negligence (design defect), strict liability (design defect), breach of warranty - merchantability, and breach of warranty - fitness for a particular purpose are not preempted in light of *Mutual Pharmaceutical Company, Inc. v. Bartlett*, 133 S. Ct. 2466 (2013). The plaintiff must explain specifically what the defendants could have and should have done to comply with Arkansas law, as well as how doing so would not have violated federal law.

The plaintiff's brief must be filed within twenty-one days from the entry of this Order. The defendants may file a response within fourteen days after the plaintiff files her brief.

Please be concise and to the point.

IT IS SO ORDERED this 15th day of January, 2014.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE