

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

WARREN KERRIGAN

PLAINTIFF

v.

No. 4:11-cv-53-DPM

JOHNSON & JOHNSON, INC.;
ETHICON, INC.; and JOHN DOES I-X

DEFENDANTS

ORDER

1. Defendants' motion for summary judgment, *Document No. 19*, is denied. Dr. Cash's opinion, as twice supplemented, suffices on causation, at least as to the negligence claim. And the opinion has an adequate (though thin) foundation. Defendants must designate their experts by 27 August 2012. Any rebuttal expert must be designated by 4 September 2012. The Court's decision is without prejudice to a dispositive motion addressing the strict-liability, warnings, and warranty claims.

2. Kerrigan has not identified the John Does, and the deadline to amend pleadings has passed. John Does I-X are therefore dismissed without prejudice.

3. This case is now first-out for trial on December 10th.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

16 August 2012