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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

KRISTI LAURIS, Individually and as
Successor In Interest to the Estate of
DAINIS LAURIS; KRISTI LAURIS as
Guardian Ad Litem for L.L.; and TAYLOR
LAURIS,

Plaintiffs,

v.

NOVARTIS AG, a Global Healthcare
Company; NOVARTIS
PHARMACEUTICALS CORPORATION,
a Delaware Corporation,

Defendants.

Case No.: 1-16-cv-00393-SEH

ORDER

On December 22, 2017, the Court conducted a hearing, on the record, with counsel for the parties by telephone conference call.

Upon the record made at the hearing,

1. Defendants' Motion to Apply New Jersey Law to Plaintiff's Request for Punitive Damages and to Preclude Punitive Damages as Preempted¹ is DENIED.

2. Plaintiffs' Motion *in Limine* No. 1 to Admit Evidence Related to Reports of Adverse Events Similar to Those Suffered by the Decedent² is RESERVED, subject to potential limited purpose admission of particular evidence at trial, upon further consideration, and upon

¹ Doc. 167.

² Doc. 125.

1 Plaintiffs establishing admissibility in evidence of the specific exhibits identified and proffered by
2 Plaintiffs in support of the motion.

3 3. Plaintiffs' Motion *in Limine* No. 2 to Admit Evidence Related to Foreign Health
4 Authorities³ is RESERVED, subject to potential limited purpose admission at trial of particular
5 evidence, upon further consideration, and upon Plaintiffs establishing admissibility in evidence of
6 the specific exhibits identified and proffered by Plaintiffs in support of the motion.
7

8 4. Plaintiffs' Motion *in Limine* No. 3 to Admit Defendants' Admissions Related to
9 Causation⁴ is RESERVED, subject to potential limited purposed admission at trial of particular
10 evidence upon Plaintiffs establishing admissibility in evidence of specific exhibits as proof of
11 notice known to Defendants of adverse effects arising from administration of Tasigna, the Court
12 having declined to rule or determine that such exhibits could be considered as an admission by
13 Defendants of evidence of a causal connection between use of the drug Tasigna and any injuries
14 upon which Plaintiffs claims are founded.
15

16 5. Plaintiffs' Motion *in Limine* No. 4 to Admit Evidence Related to Defendants'
17 Financial Motive⁵ may be GRANTED, in part, for the limited purpose of supporting Plaintiffs'
18 claim for punitive damages.
19

20 6. Defendant's Motion *in Limine* No. 1 to Exclude Evidence and Argument About
21 Labeling Issues Controlled by the FDA⁶ is DENIED.
22

23 7. Defendants' Motion *in Limine* No. 2 to Exclude Evidence or Argument
24 Concerning Foreign Regulatory Actions⁷ is DENIED.
25

26 ³ Doc. 126.

27 ⁴ Doc. 127.

28 ⁵ Doc. 128.

⁶ Doc. 134.

⁷ Doc. 135.

1 8. Defendants' Motion *in Limine* No. 3 to Exclude Evidence that Post-Dates Mr.
2 Lauris' Use of Tasigna,⁸ is DENIED unless it is demonstrated by Plaintiffs that evidence
3 establishes that Defendants had specific knowledge of particular risks from Tasigna that were
4 known to Defendants before use of the drug was discontinued.

5
6 9. Defendants' Motion *in Limine* No.4 to Exclude Loss of Chance Arguments⁹ is
7 GRANTED.

8 10. Defendants' Motion *in Limine* No. 5 (Omnibus)¹⁰ is GRANTED in part, DENIED
9 in part, and RESERVED in part as follows:

- 10 a. Part I Exclude Discussion of Other Atherosclerotic Events Beyond
11 Cerebrovascular Events is DENIED;
- 12 b. Part II Exclude Discussion of Tasigna as a First-Line Therapy is DENIED;
- 13 c. Part III Exclude Evidence and Argument Intended to Support Plaintiffs'
14 Requested Punitive Damages Relief is DENIED;
- 15 d. Part IV Exclude Evidence and Argument Concerning NPC's Motive, Intent
16 or State of Mind is GRANTED;
- 17 e. Part V Exclude Legal Conclusions from Expert Witnesses is GRANTED;
- 18 f. Part VI Exclude Reference to "Severe Rapidly Progressing
19 Atherosclerosis" is DENIED;
- 20 g. Part VII Exclude Reference to Internal Labeling Deliberations Regarding
21 Irrelevant Side-Effects is GRANTED;
- 22 h. Part VIII Exclude Reference to Sales of Tasigna is RESERVED, as stated
23 on the record;
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27 ⁸ Doc. 136.


28 ⁹ Doc. 137.

¹⁰ Doc. 138.

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- i. Part IX Preclude Plaintiff from Arguing that a “Warning” can only Appear in the Warnings and Precautions Section of the Label is DENIED;
- j. Part X Preclude Opinions based on Assumption of Normal Lifespan is RESERVED; and
- k. Part XI Preclude Evidence of Discovery Disputes at Trial is GRANTED.

DATED this 27th day of December, 2017.



SAM E. HADDON
United States District Judge