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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

DIXIE GOMEZ, et al.,  
  
Plaintiffs,  
  
v.  
  
MCKESSON CORPORATION, et al.,  
Defendants.

Case No. 3:12-cv-02816-WQH-NLS

**ORDER GRANTING JOINT  
MOTION TO DISMISS THE  
CLAIMS OF CERTAIN  
PLAINTIFFS AGAINST ELI  
LILLY AND COMPANY ONLY**

The parties have filed a joint motion to dismiss the claims of certain Plaintiffs ("Dismissed Plaintiffs") against Eli Lilly and Company ("Lilly") in this action. Being sufficiently advised, it is hereby

**ORDERED** as follows:

1. The parties' Joint Motion to Dismiss is GRANTED.
2. This dismissal is without prejudice for 60 days from the date of the entry of the order on this motion (the "Order").
3. Between the date of the Order and 60 days from the date of the Order, a Dismissed Plaintiff must refile in the appropriate United States District Court located in Plaintiff's home jurisdiction should they choose to reassert a claim against Lilly. Any such complaint must include as an exhibit evidentiary support of the Dismissed Plaintiff's use of product manufactured or sold by Lilly.
4. For any complaint filed pursuant to the terms of Paragraph 2 above, (a) all defenses to which Lilly was entitled as of the effective date of the original

1 complaint in this action against Lilly are preserved, and (b) Lilly may not assert  
2 any statute of limitations defense based solely on the passage of time between the  
3 effective date of the original complaint against Lilly and the filing of the complaint  
4 pursuant to Paragraph 2 above.

5 5. If a Dismissed Plaintiff does not file a new complaint pursuant to  
6 Paragraph 2 above, this dismissal will automatically become a dismissal with  
7 prejudice under Federal Rule of Civil Procedure 54(b), effective on the 61st day  
8 after the date of the entry of the Order, without further court order.

9 6. Each party will bear his, her, or its own fees and costs.

10 7. The Dismissed Plaintiffs are the following:

<b>DISMISSED PLAINTIFFS</b>
James Daugherty
Sandra Daugherty
Deborah Davidson
Ralph Davidson
Rollie Deckard
Georgia Lee Deckard
James Dicarlo
Evelyn Dicarlo
Drew Dieterich
Mary Dieterich
Dorothy Dose
John Dose
Clarence Doty
Jeannie Doty
Edward Lentz Dreikorn, II
Jennifer Dreikorn
Cordell Duke
Norma Duke
George Dunn
Linda Dunn
Delores Ann Eller
Robert Eller
Daniel Encinas

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<b>DISMISSED PLAINTIFFS</b>
Sandra Encinas
Earl Femea
Joanne Femea
Edna Flanagan
Edward Flanagan
Beverly Fleck
Howard Fleck
James Fleetwood
Joan Fleetwood
Daniel Fluharty
Terry Fluharty
George Fox
Rhesa Mae Fox
Archie Franz
Joan Franz
Dona Frazier
John Frazier

8. The claims of the following Plaintiffs against Lilly in the above-captioned action remain pending:

<b>REMAINING PLAINTIFFS</b>
Derrall Daniel
Lechia Daniel
Fred Donze
Louise Donze
Doyle Dunn
Janice Dunn
Eugene Fields
Patricia Ann Fields
Dixie Gomez
Florentino Gomez-Gonzalez

DATED: 2/4/16

  
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The Honorable William Q. Hayes