

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

MARLENE LINNON AND RICHARD LINNON, : CIVIL ACTION NO.
: 3:20-cv-00596-VAB

Plaintiffs, :

v. :

JOHNSON & JOHNSON INC. et al., :

Defendants. :

JULY 20, 2020

CONSENT ORDER PARTIALLY RESOLVING DEFENDANTS' OCTOBER 15, 2018 MOTION FOR PARTIAL SUMMARY JUDGMENT AND STIPULATION OF DISMISSAL OF CERTAIN CLAIMS WITH PREJUDICE

THIS MATTER having been opened to the Court by Defendants Ethicon, Inc., and Johnson & Johnson (collectively, "Defendants"), on motion seeking an Order granting partial summary judgment (the "Motion")(doc. #16); and the Plaintiffs having agreed to dismiss certain counts that were the subject of the Motion; and for good cause appearing;

IT IS on this 14th day of October, 2020,

ORDERED that Defendants Ethicon, Inc., and Johnson & Johnson's Motion for Partial Summary Judgment is **MOOT as to the following causes of action** based upon the parties' agreement to stipulate to the dismissal of the following claims with prejudice and without costs:

1. Count I: Negligence – Failure to Warn and Manufacturing Defect;
2. Count II: Strict Liability – Manufacturing Defect;
3. Count III: Strict Liability – Failure to Warn;
4. Count IV: Strict Liability – Defective Product;

5. Count VI: Common Law Fraud;
6. Count VII: Fraudulent Concealment;
7. Count VIII: Constructive Fraud;
8. Count IX: Negligent Misrepresentation;
9. Count X: Negligent Infliction of Emotional Distress;
10. Count XI: Breach of Express Warranty;
11. Count XII: Breach of Implied Warranty;
12. Count XIII: Violation of Consumer Protection Laws;
13. Count XIV: Gross Negligence; and
14. Count XV: Unjust Enrichment.

IT IS FURTHER ORDERED that the following claims remain in this case:

1. Count I: Negligence – Design Defect under the Connecticut Product Liability Act;
2. Count V: Strict Liability – Design Defect under the Connecticut Product Liability Act;
3. Count XVI: Loss of Consortium;
4. Count XVII: Punitive Damages; and
5. Count XVIII: Discovery Rule and Tolling.

Consented to, stipulated, and agreed by:

Dated: July 20, 2020

/s/ Robert R. Simpson
Robert Reginald Simpson

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Entered by:

Dated: 10/14/2020



HON. ALFRED V. COVELLO, U.S.D.J