

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

IN RE MENTOR CORP. OBTAPE * MDL Docket No. 2004
 4:08-MD-2004 (CDL)
TRANSOBTURATOR SLING PRODUCTS *
 Case No.
LIABILITY LITIGATION * 4:12-CV-192 (*Soltis, et al.*)

O R D E R

Defendant Caldera Medical, Inc. ("Caldera") filed a motion to dismiss the Complaint of Sherry E. Soltis and George W. Soltis ("Plaintiffs") for failure to state a claim (ECF No. 14), essentially arguing that (1) Plaintiffs did not plead enough facts to place Caldera on sufficient notice of a plausible claim asserted against it; (2) Plaintiffs' allegations establish as a matter of law that the claims are barred by the applicable statute of limitations; and (3) Plaintiffs' strict liability claim is not recognized under California law, which Caldera maintains applies here. Having thoroughly reviewed Plaintiffs' Complaint and accepting as true the allegations contained in it as required at this stage of the litigation, the Court finds that Plaintiff has alleged sufficient facts to put Caldera on notice of a plausible claim against it; that the allegations do not establish as a matter of law that Plaintiffs' claims are barred by the statute of limitations; and that it is premature

to dismiss Plaintiffs' strict liability claim. Accordingly,
Caldera's motion to dismiss is denied.

IT IS SO ORDERED, this 26th day of October, 2012.

S/Clay D. Land

CLAY D. LAND
UNITED STATES DISTRICT JUDGE