

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

PATRICIA CRAIG,

*

Plaintiff,

*

vs.

*

CASE NO. 4:14-cv-188 (CDL)

MENTOR WORLDWIDE LLC,

*

Defendant.

*

O R D E R

Patricia Craig of Pascagoula, Mississippi filed an action against Defendant Mentor Worldwide, LLC in April 2014 alleging that she suffered injuries caused by Mentor's ObTape product. Notice of Removal Ex. A, Compl., ECF No. 1-1 in 4:14-cv-106. Then, in July, Patricia Craig of Pascagoula, Mississippi brought this action alleging injuries caused by ObTape. Compl., ECF No. 1 in 4:14-cv-188. The Complaints allege nearly identical claims against Mentor based on Mentor's design, manufacture, marketing, and sale of ObTape.

Mentor moves to dismiss this action as duplicative of the April action. "As part of its general power to administer its docket, a district court may stay or dismiss a suit that is duplicative of another federal court suit." *Curtis v. Citibank, N.A.*, 226 F.3d 133, 138 (2d Cir. 2000) (citing *Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800, 817

(1976)). There was no response to Mentor's Motion to Dismiss and no indication that the two actions were brought by two different women who happen to have the same name and live in the same town and who also happen to have been implanted with ObTape in December of 2003. So, the Court concludes that this action is duplicative of 4:14-cv-106, and Mentor's Motion to Dismiss (ECF No. 2 in 4:14-cv-188) is granted.

IT IS SO ORDERED, this 6th day of November, 2014.

S/Clay D. Land

CLAY D. LAND, CHIEF JUDGE
UNITED STATES DISTRICT COURT