UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

IN RE: PRADAXA (DABIGATRAN ETEXILATE) PRODUCTS LIABILITY LITIGATION	)	**3:12-md-02385-DRH-SCW**
	)	**MDL No. 2385**
	)	
	)	
	)	

This Document Relates to:

ALL CASES[1]

CASE MANAGEMENT ORDER NO. 25

LIFTING RESPONSIVE PLEADING STAY IN ALL CASES AND RESOLVING PENDING MATTERS IN CERTAIN CASES THAT WERE SUBJECT TO PREVIOUSLY ENTERED RESPONSIVE PLEADING STAY(S)

Herndon, Chief Judge:

I. Vacating Responsive Pleading Stay(s)

On September 12, 2012, the Court issued an order staying all pending motions, including responsive pleading deadlines (12-md-2385 Doc. 25). The Court

[1] Section I of this Order, Vacating Responsive Pleading Stay(s), is applicable to all cases. Section II of this order is applicable to those cases specifically identified in section II. To ensure there is no confusion regarding the resolution of motions and issues identified in section II, this Order shall be docketed in the Master Case File and additionally in the individual member actions listed in section II.

has also issued responsive pleading stays in individual member actions for motions filed after September 12, 2012 (*See* 12-cv-60024-DRH-SCW Doc. 24; 12-cv-60091 Doc. 17). The parties have had an opportunity to confer regarding this matter and the Court has determined that the responsive pleading stay is no longer necessary. Accordingly, the Court hereby vacates any and all responsive pleading stays previously issued. All pleadings filed after entry of this order will be subject to the applicable responsive pleading deadlines provided for in the Federal Rules of Civil Procedure, the Local Rules of this Court, and orders entered by the Undersigned Judge.

The Court reminds the parties that that **when deadlines provided by CM/ECF conflict with orders of this Court, the Court ordered deadline will always control**. ***See*** **United States District Court for the Southern District of Illinois, Electronic Filing Rules, Rule 3 (The "filer is responsible for calculating the response time under the federal and/or local rules. The date generated by CM/ECF is a guideline only, and, if the Court has ordered the response to be filed on a date certain, the Court's order governs the response deadline.").** The deadlines provided by CM/ECF are generated automatically based on the generic responsive pleading times allowed under the rules and do not consider special circumstances (such as court orders specific to a particular case or issue).

II. CASE SPECIFIC MATTERS

This Section is Applicable to the Following Member Actions:

Richard Herbeck and Shirley Herbeck	***v.***	***Boehringer Ingelheim Pharmaceuticals, Inc., et al.***	**MDL No. 3:12-cv-50004**
Robert Stout	***v.***	***Boehringer Ingelheim Pharmaceuticals, Inc., et al.***	**MDL No. 3:12-cv-50008**
Mark A. Jackson, on behalf of himself and those similarly situated,	***v.***	***Boehringer Ingelheim Pharmaceuticals, Inc., et al.***	**MDL No. 3:12-cv-60004**
Bobby D. Sessoms and Ruby J. Sessoms	***v.***	***Boehringer Ingelheim Pharmaceuticals, Inc., et al.***	**MDL No. 3:12-cv-60012**
Helen Jean and John Edward Hawkins	***v.***	***Boehringer Ingelheim Pharmaceuticals, Inc., et al.***	**MDL No. 3:12-cv-60021**
Janet Cornelius, Individually and as the Administratrix of the Estate of Floyd Cornelius	***v.***	***Boehringer Ingelheim Pharmaceuticals, Inc., et al.***	**MDL No. 3:12-cv-60022**
Thelma Hawthorne	***v.***	***Boehringer Ingelheim Pharmaceuticals, Inc., et al.***	**MDL No. 3:12-cv-60024**
Garland James Lege and Patricia A. Lege	***v.***	***Boehringer Ingelheim Pharmaceuticals, Inc., et al.***	**MDL No. 3:12-cv-60025**

Jerald R. Radcliff and Debbie Radcliff	***v.***	***Boehringer Ingelheim Pharmaceuticals, Inc., et al.***	**MDL No. 3:12-cv-60026**
Bertha Bivens, as Next of Kin Estate of Nancy Brummett, Deceased	***v.***	***Boehringer Ingelheim Pharmaceuticals, Inc., et al.***	**MDL No. 3:12-cv-60027**
Edward Stair, Jr.	***v.***	***Boehringer Ingelheim Pharmaceuticals, Inc., et al.***	**MDL No. 3:12-cv-60028**
Marlene Wright, Individually and on Behalf of the Estate of Gertrude Eubanks, Deceased	***v.***	***Boehringer Ingelheim Pharmaceuticals, Inc., et al.***	**MDL No. 3:12-cv-60030**
Vanessa Meuse	***v.***	***Boehringer Ingelheim Pharmaceuticals, Inc., et al.***	**MDL No. 3:12-cv-60072**
Robert W Geske, Jr. and Olvia Geske	***v.***	***Tedros Kebede, et al.***	**MDL No. 3:12-cv-60091**

Pending before the Court are various motions filed by Boehringer Ingelheim Pharmaceuticals, Inc. ("BIPI") and/or Plaintiff(s) that were subject to the Court's responsive pleading stay(s). Certain motions, identified below, were filed by the parties but not ruled on in the Southern District of Illinois and/or other transferor courts prior to the creation of MDL No. 2385. The Court finds, and the parties

agree, that the following matters be briefed and/or resolved pursuant to the following terms. Accordingly, the Court hereby orders as follows:

Case Name/ MDL & Transferor Court Docket #	**ORDER**
Richard Herbeck & Shirley Herbeck MDL No. 3:12-cv-50004 ILS/3:12cv613	Docket #10 (Motion to Dismiss for Failure to State a Claim, filed 6/5/2012) is withdrawn.
Robert Stout MDL No. 3:12-cv-50008 ILS/3:12cv617	Docket #11 (Motion to Dismiss for Failure to State a Claim, filed 7/6/2012) is withdrawn.
Mark A. Jackson, on behalf of himself and those similarly situated, MDL No. 3:12-cv-60004 LAE/2:12cv1389	BIPI may file a Reply in Support of its Motion to Dismiss for Failure to State a Claim and, in the Alternative, Rule 12(f) Motion to Strike within 14 days of the entry of this Order. *See* S.D. Illinois L.R. 7.1(c), (d).
Bobby D. Sessoms & Ruby J. Sessoms MDL No. 3:12-cv-60012 SC/2:12cv01698	Docket #6 (Motion to Dismiss for Failure to State a Claim, filed 7/6/2012) is withdrawn.

Helen Jean & John Edward Hawkins MDL No. 3:12-cv-60021 KYE/6:12cv45	Docket #7 (Motion to Dismiss for Failure to State a Claim, filed 4/2/2012) is withdrawn, and the following claims of the Plaintiff are **dismissed without prejudice**: Manufacturing Defect, Negligence Per Se, Breach of Warranty of "Ordinary Use" and allegations of joint and several liability.
Janet Cornelius, Individually and as the Administratrix of the Estate of Floyd Cornelius MDL No. 3:12-cv-60022 KYE/6:12cv64	Docket #9 (Motion to Dismiss for Failure to State a Claim, filed 4/24/2012) is withdrawn, and the following claims of the Plaintiff are **dismissed without prejudice**: Manufacturing Defect, Negligence Per Se, Breach of Warranty of "Ordinary Use" and allegations of joint and several liability.
Thelma Hawthorne MDL No. 3:12-cv-60024 LAE/2:12cv1203	Docket # 22 (Motion to Dismiss Filed by Thelma Hawthorne on 12/21/2012). Responsive pleading is due within 14 days of the entry of this Order.
Garland James Lege & Patricia A. Lege MDL No. 3:12-cv-60025 LAW/6:12cv572	Docket #4 (Motion to Dismiss for Failure to State a Claim, filed 4/3/2012), is withdrawn, and the following claims of the Plaintiff are **dismissed without prejudice**: Manufacturing Defect; Negligence; Negligence Per Se; Gross Negligence; Breach of Implied Warranty of Merchantability; Breach of Implied Warranty of Fitness for Particular Purpose; Breach of Implied Warranty of "Ordinary Use;" Misrepresentation, Suppression of Evidence and Fraud (including Negligent Misrepresentation); Redhibition; Deceptive Trade Practices; and request for Punitive Damages.
Jerald R. Radcliff & Debbie Radcliff MDL No. 3:12-cv-60026 OKW/5:12cv266	Docket #9 (Motion to Dismiss for Failure to State a Claim, filed 4/6/2012) is withdrawn, and the following claims of the Plaintiff are **dismissed without prejudice**: Manufacturing Defect, Negligence Per Se, Breach of Warranty of "Ordinary Use" and allegations of joint and several liability.

Bertha Bivens, as Next of Kin Estate of Nancy Brummett, Deceased MDL No. 3:12-cv-60027 TNE/3:12cv103	Docket #8 (Motion to Dismiss for Failure to State a Claim, filed 4/2/2012) is withdrawn, and the following claims of the Plaintiff are **dismissed without prejudice**: Manufacturing Defect, Negligence Per Se, Breach of Warranty of "Ordinary Use;" Tennessee Consumer Protection Act; claims brought on behalf of Plaintiff on an individual basis; and any request for prejudgment interest.
Edward Stair, Jr. MDL No. 3:12-cv-60028 TNE/3:12cv116	Docket #6 (Motion to Dismiss for Failure to State a Claim, filed 4/9/2012) is withdrawn, and the following claims of the Plaintiff are **dismissed without prejudice**: Manufacturing Defect, Negligence Per Se, Breach of Warranty of "Ordinary Use;" Tennessee Consumer Protection Act; and any request for prejudgment interest.
Marlene Wright, Individually and on Behalf of the Estate of Gertrude Eubanks, Deceased MDL No. 3:12-cv-60030 TNW/2:12cv2262	Docket #7 (Motion to Dismiss for Failure to State a Claim, filed 5/9/2012) is withdrawn, and the following claims of the Plaintiff are **dismissed without prejudice**: Manufacturing Defect, Suppression of Evidence and Fraud, claims brought on behalf of Plaintiff on an individual basis, and any request for prejudgment interest. Docket #10 (Plaintiff's Motion for Leave to File First Amended Complaint, filed 6/6/2012) is granted, subject to dismissal of the claims listed above.
Vanessa Meuse MDL No. 3:12-cv-60072 FLM/ 3:12-cv-968-J-99	Docket # 8 (Motion to Vacate Order Striking Complaint filed by Vanessa Meuse on 9/24/2012). Responsive pleading is due within 14 days of the entry of this Order.
Robert W. Geske, Jr. & Olivia Geske MDL No. 3:12-cv-60091 NVD/ 2:12cv1932	Docket # 16 (Motion to Dismiss filed by Boehringer Ingelheim Corporation on 12/3/2012). Responsive pleading is due within 14 days of the entry of this Order.

The Court further orders that BIPI shall have 60 days from the entry of this Order to file an Answer in any of the above-referenced actions in which a responsive pleading is otherwise required.

IT IS SO ORDERED.

Chief Judge **Date: February 22, 2013**
United States District Court