

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

LEONARD HADLEY,

Plaintiff,

v.

ASTRAZENECA PHARMACEUTICALS PLC,
ASTRAZENECA PLC, and U.S. GOVERNMENT
FOOD AND DRUG ADMINISTRATION,

Defendants.

Case No. 18-cv-1068-JPG-DGW

MEMORANDUM AND ORDER

This matter comes before the Court on the motion of defendant U.S. Government Food and Drug Administration (“FDA”) to substitute the United States of America as the proper defendant for plaintiff Leonard Hadley’s tort claim for money damages (Doc. 42). The FDA has ascertained that Hadley’s claim for money damages falls under the Federal Tort Claims Act (“FTCA”), 28 U.S.C. §§ 1346(b) & 2671-2680, and that the only proper defendant in an FTCA claim is the United States itself, not a federal agency, *see* 28 U.S.C. §§ 2674 & 2679(a). Accordingly, the FDA asks the Court to substitute the United States in Hadley’s claim for damages but to allow the FDA, for the time being, to remain as a defendant in his claim for injunctive and declaratory relief. The Court finds the FDA’s position has merit. Accordingly, it **GRANTS** the motion to substitute (Doc. 42) and **ORDERS** that the United States be substituted as a defendant in Hadley’s tort claims for money damages. The FDA shall remain in this case as a defendant in Hadley’s claims for injunctive and declaratory relief.

IT IS SO ORDERED.

DATED: November 20, 2018

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE