

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

VALERINE BROWN

CIVIL ACTION

VERSUS

NO. 10-11

ACTAVIS ELIZABETH, LLC

SECTION "K"(2)

ORDER

A Motion to Dismiss (Doc. 27) was filed by Activis Elizabeth, LLC ("Activis") and set for submission on August 10, 2011. Activis moved to dismiss the instant suit based on the controlling decision issued by the Supreme Court of the United States in *Pliva, Inc. v. Mensing*, ___ U.S. ___, 131 S. Ct. 2561 (2011). Valerine Brown's claims are based on generic manufacturer's alleged failure to warn in metoclopramide litigation. In *Pliva*, the Supreme Court found a claim based on state law is preempted by federal law, thus this suit is meritless and must be dismissed. In addition, plaintiff has filed no opposition to the motion. Accordingly,

IT IS ORDERED that the Motion to Dismiss (Doc. 27) filed by Activis Elizabeth, LLC is **GRANTED** and judgment shall be entered in favor of defendant Actavis Elizabeth, LLC and against plaintiff Valerine Brown with each party to bear her/its own costs.

New Orleans, Louisiana, this 10th day of August, 2011.



STANWOOD R. DUVAL, JR.
UNITED STATES DISTRICT COURT JUDGE