

January 10, 2012

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JOANN PELLEGRIN

CIVIL ACTION

VERSUS

NO. 10-2126

QUALITEST PHARMACEUTICALS, INC., ET AL.

SECTION "A"(3)

ORDER

Local Rule 7.5 of the Eastern District of Louisiana requires that memoranda in opposition to a motion be filed eight days prior to the noticed submission date of the motion. No memoranda in opposition to Defendants' **Motion for Judgment on the Pleadings (Rec. Doc. 42)**, taken under submission on January 4, 2012, has been received. Accordingly, this motion is deemed to be unopposed, and, further, it appearing to the Court that the motion has merit,¹

Accordingly;

IT IS ORDERED that Defendants' **Motion for Judgment on the**

¹ Defendants contend that the claims asserted in Plaintiff's complaint are pre-empted under the Supreme Court's ruling in PLIVA, Inc. v. Mensing, 131 S. Ct. 2567 (2011). The Court has reviewed the decision in Mensing as well as Plaintiff's complaint and the Court is persuaded that Defendants are correct.

Pleadings (Rec. Doc. 42) is GRANTED. Plaintiff's complaint
against Defendants is **DISMISSED** with prejudice

* * * * *

A handwritten signature in black ink, appearing to read "Jay S. Ziney". The signature is written in a cursive, flowing style with large loops and a long tail on the final letter.