

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

FERRIS CLARK SR.

CIVIL ACTION

VERSUS

NO. 12-411

**PHI, INC., BELL HELICOPTER
TEXTRON INC., and ALLIANZ
GLOBAL CORPORATE & SPECIALTY AG**

SECTION "C" (5)

ORDER

Before the Court is Bell Helicopter Textron Inc.'s Re-Urged Motion for Summary Judgment. Rec. Doc. 52. Plaintiff does not oppose this motion. On July 27, 2012, this Court determined that only the written warranty exception to the General Aviation Revitalization Act of 1994 ("GARA") could evoke an exception to GARA's Statute of Repose, creating potential liability for defendant Bell Helicopter. Rec. Doc. 44, p. 10-12. The parties have now completed discovery and found that "No contracts or warranties identified by any party could possibly be construed as extending a written warranty from Bell to plaintiff for purposes of providing an exception to GARA's Statute of Repose." Rec. Doc. 52. Because plaintiff will not be able to make a case for a successful written warranty exception, Summary Judgment is now appropriate under Rule 56. FED.R.CIV.P. 56.

Accordingly,

IT IS ORDERED that Bell Helicopter Textron Inc.'s Re-Urged Motion for Summary Judgment is GRANTED.

New Orleans, Louisiana, this 21st day of December, 2012.



**HELEN G. BERRIGAN
UNITED STATES DISTRICT JUDGE**