

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF LA
2009 MAR 25 P 2:51

RUTH CARTER and
JAMES CARTER

VERSUS

MATRIX INITIATIVES, INC.
and ZICAM, LLC


CIVIL ACTION

NO. 08-216-JVP-DLD

RULING AND ORDER

This matter is before the court on a joint motion to dismiss, pursuant to Rule 12(b)(6), all claims and damages not allowed by the Louisiana Products Liability Act (doc. 17). Accordingly, the motion is hereby **GRANTED**, and **IT IS HEREBY ORDERED** that all claims and damages not allowed by the Louisiana Products Liability Act, including those based upon theories of recovery under negligence and fraud, and upon plaintiff's prayer for exemplary damages, are hereby dismissed with prejudice, each party to bear its own costs. In light of this order, the motion by defendants, Matrixx Initiatives, Inc. and Zicam, LLC, for partial dismissal pursuant to Rule 12(b)(6) (doc. 15) is hereby **DENIED AS MOOT**.

Baton Rouge, Louisiana, March 25, 2009.



JOHN V. PARKER
UNITED STATES DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA