

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

ROBERT B. TASSIN, JR.

CIVIL ACTION

VERSUS

NO. 16-382-JWD-EWD

BOB BARKER COMPANY, INC.

OPINION

After independently reviewing the entire record in this case and for the reasons set forth in the Magistrate Judge's Report dated January 31, 2019, to which an opposition was filed;

**IT IS ORDERED** that the Motion to Dismiss, (R. Doc. 17) is **GRANTED IN PART AND DENIED IN PART**.

The Defendants' Motion to Dismiss Plaintiff's claims against Robert Barker and Nancy Barker individually for lack of personal jurisdiction pursuant to Fed. R. Civ. P. 12(b)(2) is **GRANTED**, dismissing these claims with prejudice.

The Defendants' Motion to Dismiss Plaintiff's claims under all theories of recovery outside of the Louisiana Products Liability Act ("LPLA"), including all theories of strict liability, negligence, redhibition, fraudulent misrepresentation and concealment, and breach of implied warranty, as well as the LPLA claims based upon construction, composition, and design is **GRANTED**, dismissing these claims with prejudice.

The Defendant's Motion to Dismiss Plaintiff's causes of action based upon the LPLA

theories of inadequate warning and breach of express warranty is DENIED.

This matter is referred back to the magistrate judge for further proceedings.

Signed in Baton Rouge, Louisiana, on February 13, 2019.



**JUDGE JOHN W. deGRAVELLES  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**