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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

DIANN KING AND MIKE KING

CIVIL ACTION NO. 09-0465

VERSUS

JUDGE ROBERT G. JAMES

BAYER PHARMACEUTICALS
CORPORATION, ET AL.

MAG. JUDGE KAREN L. HAYES

JUDGMENT

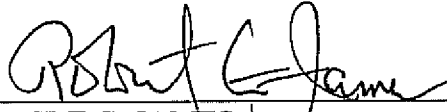
The Report and Recommendation [Doc. No. 41] of the Magistrate Judge having been considered, no objections thereto having been filed, and finding that same is supported by the law and the record in this matter,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the motions to dismiss [Doc. Nos. 21 & 23] filed by Defendants Bayer Healthcare Pharmaceuticals, Inc. ("Bayer") and Schering Corporation ("Schering") are GRANTED IN PART, and Plaintiffs' claims against Bayer and Schering for punitive damages, attorney's fees, and all other claims not arising under the Louisiana Products Liability Act ("LPLA") are DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that the motions to dismiss are otherwise DENIED.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiffs' claims against Apotex Inc. for punitive damages, attorney's fees, and all other claims not arising under the LPLA are *sua sponte* DISMISSED WITH PREJUDICE.

MONROE, LOUISIANA, this 13 day of July, 2009.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE