

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

AUDREY RAYFORD, ET AL.

*** CIVIL ACTION NO. 15-2835**

VERSUS

*** JUDGE ROBERT G. JAMES**

**KARL STORZ ENDOSCOPY
AMERICA, INC., ET AL.**

*** MAG. JUDGE KAREN L. HAYES**

J U D G M E N T

The Report and Recommendation of the Magistrate Judge having been considered [Doc. No. 38], no objections thereto having been filed, and finding that same is supported by the law and the record in this matter,

IT IS ORDERED, ADJUDGED AND DECREED that the motion to dismiss [Doc. No. 8], filed by Defendants Karl Storz Endoscopy of America, Inc. and Karl Storz Endovision is **GRANTED IN PART AND DENIED IN PART**. The motion is **GRANTED** to the extent these Defendants are sued as Manufacturers and seek dismissal of Plaintiffs' LPLA claims for a manufacturing defect, as well as Plaintiffs' non-LPLA claims for strict liability, breach of express and implied warranty, fraudulent misrepresentation, and punitive damages, and **DENIED** as to Plaintiffs' claims under the LPLA for defects in design, inadequate warning, and express warranty, as well as their non-LPLA claims under redhibition and Plaintiff Darryl Rayford's claim for loss of consortium.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the motion to dismiss is **GRANTED** in favor of both Defendants, to the extent that they are sued as non-manufacturer sellers, and seek dismissal of Plaintiffs' claims under the LPLA, their non-LPLA claims for strict

products liability, breach of express warranty, breach of implied warranty, and punitive damages, and **DENIED** as to Plaintiffs' claims under redhibition.

MONROE, LOUISIANA, this 17th day of August, 2016.



Handwritten signature of Robert G. James in black ink, written over a horizontal line.

ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE