

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

MICHAEL PERRY

CIVIL ACTION NO. 16-00261

VERSUS

JUDGE S. MAURICE HICKS, JR.

HOWMEDICA OSTEONICS
CORPORATION d/b/a
STRYKER ORTHOPAEDICS

MAGISTRATE JUDGE HANNA

ORDER

This matter was referred to United States Magistrate Judge Patrick J. Hanna for report and recommendation. After an independent review of the record, and noting the absence of any objections, this Court concludes that the Magistrate Judge's report and recommendation is correct and adopts the findings and conclusions therein as its own. Accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED that the pending Motion to Dismiss (Record Document 7) is **DENIED WITHOUT PREJUDICE** to the right of the defendant to re-urge the motion, if appropriate, to seek dismissal of the amended complaint. The plaintiff shall file, not later than **August 1, 2016**, an amended complaint asserting claims under and in conformity with the LPLA and striking all claims asserted in his original complaint that are not permitted under the LPLA. In drafting the amended complaint, the plaintiff should carefully consider whether the John Doe defendants should be retained in this lawsuit, should precisely tailor his allegations to the Device rather than to any other hip replacement system that might have been manufactured by Howmedica, and should include sufficient factual detail concerning his own medical history to establish his claimed

damages.

IT IS FURTHER ORDERED that the defendants may, if appropriate, file a Rule 12(b)(6) Motion to Dismiss the amended complaint.

THUS DONE AND SIGNED, Shreveport, Louisiana, this 18th day of July, 2016.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE