

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLANDCHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE101 WEST LOMBARD STREET
BALTIMORE, MARYLAND 21201
(410) 962-0782
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March 29, 2013

MEMO TO COUNSEL RE: Catherine Healey v. Barr Laboratories
Civil No. JFM-12-3011

Dear Counsel:

I have reviewed plaintiff's response to my March 20, 2013 order.

I believe that plaintiff's claim against defendant Andrea L. Roderiquez is untimely under Maryland law and that significant *Erie* problems would be presented if I were to permit the relation back rule of Fed. R. Civ. P. 15 to resuscitate the claim against Ms. Roderiquez. *Cf. Knauer v. Johns-Manville Corp.*, 638 F. Supp. 1369 (D. Md. 1986). Moreover, it seems to me, particularly in light of the fact that I have already (with the consent of the other defendants) permitted plaintiff to amend her complaint, that the most prudent course to follow is to remand the case and let the timeliness issue be addressed by the Circuit Court for Prince George's County, Maryland. Accordingly, I am today entering an order remanding this action to the Circuit Court for Prince George's County, Maryland.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,

/s/

J. Frederick Motz
United States District Judge