

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE LEVAQUIN PRODUCTS LIABILITY
LITIGATION

MDL No. 08-1943 (JRT)

CLIFFORD STRAKA,

Civil No. 08-5742 (JRT)

Plaintiff,

v.

ORDER

JOHNSON & JOHNSON; and JANSSEN
PHARMACEUTICALS, INC.

Defendants.

Ronald S. Goldser, David M. Cialkowski, and Genevieve Zimmerman, **ZIMMERMAN REED, PLLP**, 1100 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402; Lewis J. Saul and Kevin M. Fitzgerald, **LEWIS SAUL & ASSOCIATES**, 183 Middle Street, Suite 200, Portland, ME 04101, Edward A. Coleman, **LEWIS SAUL & ASSOCIATES**, 1540 Broadway, 26th Fl, New York, NY 10036; James A. Morris, Jr., **MORRIS LAW FIRM**, 11614 Bee Caves Road, Suite 200, Austin, TX 78738; and Robert J. Binstock, **REICH & BINSTOCK, LLP**, 4265 San Felipe, Suite 1000, Houston, TX 77027, lead counsel for plaintiff Straka.

James B. Irwin and Douglas J. Moore, **IRWIN FRITCHIE URQUHART & MOORE, LLC**, 400 Poydras Street, Suite 2700, New Orleans, LA 70130; Dana M. Lenahan, Tracy J. Van Steenburgh, Scott Smith and Jan R. McLean Bernier, **NILAN JOHNSON LEWIS, PA**, 120 South Sixth Street, Suite 400 Minneapolis, MN 55402, William V. Essig, **DRINKER BIDDLE & REATH LLP**, 191 North Wacker Drive, Suite 3700, Chicago, IL 60606, lead counsel for Defendants.

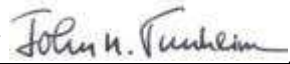
Defendants filed a motion in limine on various issues identical to a motion previously filed in the MDL. Finding no newly discovered evidence, changes in the governing law or manifest error in the previous rulings, the Court adheres to the law of

the case regarding this ruling. In order to be more consistent with those Orders, the Court makes the following amendment to its previous Order (Docket No. 188).

ORDER

Based on the foregoing, and the records, files, and proceedings herein, **IT IS HEREBY ORDERED** that Defendants' Motion in Limine on Various Issues [Docket No. 89] is **GRANTED in part** and **DENIED in part**. The motion is **GRANTED** regarding reference to other products of Defendants that do not meet the "substantial similarity" test for relevance, and granted regarding the exclusion of marketing materials from other drug companies. The motion is **DENIED** in all other respects.

DATED: December 29, 2011
at Minneapolis, Minnesota.

s/ 

JOHN R. TUNHEIM
United States District Judge