

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LAWANDA HINTON, et al.,)
)
Plaintiffs,)
)
v.)
)
)
BAYER CORPORTATION, et al.,)
)
Defendant.)

No. 4:16CV1679 HEA

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs’ Motion for Leave to File Their Amended Complaint, [Doc. No. 61]. Defendants oppose the Motion. For the reasons set forth below, the Motion will be granted.

Plaintiff filed this action in the Circuit Court of the City of St. Louis, Missouri seeking damages from Defendants for personal injuries allegedly suffered as a result of being prescribed and implanted with the allegedly defective and unreasonably dangerous product Essure. Defendants removed the action pursuant to the Court’s diversity jurisdiction, 28 U.S.C. § 1332, and federal question jurisdiction, 28 U.S.C. § 1331. Defendants also filed a motion to dismiss for lack of personal jurisdiction. Subsequently, the United States Supreme Court issued its decision in *Bristol-Myers Squibb Co. v. Superior Court of Cal*, ___ U.S. ___, 137

S.Ct.1773 (2017), which significantly impacts the issues in this case regarding the personal jurisdiction issues as they relate to Plaintiffs' original Petition.

Plaintiffs now seek to file an Amended Complaint to address the issues presented in *Bristol-Myers*, in an effort to establish personal jurisdiction over Defendants and contest the Court's diversity jurisdiction. Defendants oppose the Motion, arguing that it would be futile.

The Court has reviewed Plaintiffs' proposed Amended Complaint. Pursuant to Rule 15 of the Federal Rules of Civil Procedure, leave to amend should be freely given. Although Defendants urge that allowing the Amended Complaint will be futile, the Court believes Plaintiffs should be given the opportunity to amend their Complaint and set forth their bases for filing suit in Missouri. Defendants will not be prejudiced by the filing of the Amended Complaint as they are free to challenge any aspect of jurisdiction they believe is lacking.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' Motion for Leave to File Their Amended Complaint, [Doc. No. 61], is granted.

IT IS FURTHER ORDERED that all other previously filed motions are

denied as moot, without prejudice to refiling as to the Amended Complaint.

Dated this 18th day of August, 2017.

A handwritten signature in black ink, reading "Henry Edward Autrey", written over a horizontal line.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE