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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

JAMES ADKINS,

Plaintiff,

v.

BRISTOL-MYERS SQUIBB COMPANY,  
SANOFI-AVENTIS U.S. L.L.C.,  
SANOFI-AVENTIS U.S., INC.,  
SANOFI-SYNTHELABO, INC.,

Defendants.

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:  
: Civil Action No. 3:07-cv-00901 (FLW)  
:  
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**ORDER**

**THIS MATTER** having been opened to the Court by Defendants Bristol-Myers Squibb Company, Sanofi-Aventis U.S. L.L.C., Sanofi-Aventis U.S., Inc., and Sanofi-Synthelabo, Inc., through counsel Michael A. Tanenbaum, Esq., seeking dismissal of the First Amended complaint of Plaintiff James Adkins (“Plaintiff”) for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6); Plaintiff, through his counsel Michele A. DiMartino, Esq., having submitted opposition thereto; the Court having considered the moving, opposition, and reply papers filed by the parties; this matter being considered pursuant to Fed. R. Civ. P. 78; for the reasons stated in the Opinion filed on this date, and for good cause shown;

**IT IS** on this 30<sup>th</sup> day of December, 2009,

**ORDERED** that Count VI of Plaintiff’s First Amended Complaint, asserting a claim under Tennessee’s Consumer Protection Act, is dismissed without prejudice; and it is further

**ORDERED** that Count V of Plaintiff's First Amended Complaint, i.e., the negligent misrepresentation claim, is dismissed without prejudice.

Dated: December 30, 2009

/s/ Freda L. Wolfson  
**United States District Judge**