

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	22md3043 (DLC)
IN RE: Acetaminophen - ASD-ADHD	:	22mc3043 (DLC)
Products Liability Litigation	:	
	:	<u>ORDER: NEGLIGENT</u>
-----	X	<u>MISREPRESENTATION</u>
		<u>CLAIMS</u>

DENISE COTE, District Judge:

An Opinion of April 27, 2023 granted a motion to dismiss a California negligent misrepresentation claim due to the plaintiffs' failure to allege an affirmative misrepresentation as required by California law. In re Acetaminophen - ASD-ADHD Prods. Liab. Litig., 22md3043 (DLC), 2023 WL 3126636, at *5 (S.D.N.Y. Apr. 27, 2023). That Opinion also denied a motion to dismiss a Nevada negligent misrepresentation claim because Nevada law allows for such claims to be plead under a theory of omission, and the plaintiffs adequately pleaded an omission. Id. at *6.

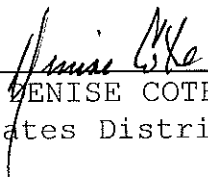
On July 25, the parties notified the Court that they had reached an agreement about which states' laws may recognize a claim for negligent misrepresentation by omission as to all but four states. In response to an Order of July 31, the parties submitted on August 7 a list of fifteen states' laws under which the parties agree that negligent misrepresentation by omission claims are not recognized. Five of those fifteen states' laws

are not currently pending in this multidistrict litigation ("MDL").

It is hereby

ORDERED that negligent misrepresentation claims under the laws of Arkansas, California, Colorado, Idaho, Indiana, Kentucky, North Carolina, North Dakota, Tennessee, and Texas are dismissed from each Member Case pending in this MDL to the extent they have been asserted in a Member Case filed before August 8, 2023.

Dated: New York, New York
August 8, 2023



DENISE COTE
United States District Judge