

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: AVANDIA MARKETING, SALES	:	MDL NO. 1871
PRACTICES AND PRODUCTS	:	07-MD-01871
LIABILITY LITIGATION	:	
THIS DOCUMENT APPLIES TO:		
	:	HON. CYNTHIA M. RUFÉ
	:	
RICHARD V. D'APUZZO	:	CIVIL ACTION
<i>on behalf of himself and all others similarly</i>	:	
<i>situated</i>	:	
v.	:	
	:	
SMITHKLINE BEECHAM CORPORATION	:	
d/b/a GLAXOSMITHKLINE	:	NO. 07-4963

ORDER

AND NOW, this 7th day of September 2011, upon consideration of Defendant's Motion to Dismiss and the responses and replies thereto, it is hereby ORDERED that the Motion is GRANTED for the reasons set forth in the accompanying Memorandum Opinion. The Second Amended Complaint is DISMISSED without prejudice; Plaintiff is granted leave to file an amended complaint within 20 days.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.