

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

HELEN McLAUGHLIN : CIVIL ACTION
: :
v. : :
: :
BAYER CORPORATION, et al. : NO. 14-7315

RUTH RUBLE : CIVIL ACTION
: :
v. : :
: :
BAYER CORPORATION, et al. : NO. 14-7316

MELDA STRIMEL : CIVIL ACTION
: :
v. : :
: :
BAYER CORPORATION, et al. : NO. 14-7317

SUSAN STELZER : CIVIL ACTION
: :
v. : :
: :
BAYER CORPORATION, et al. : NO. 14-7318

HEATHER WALSH : CIVIL ACTION
: :
v. : :
: :
BAYER CORPORATION, et al. : NO. 15-384

ORDER

AND NOW, this 21st day of February, 2017, upon consideration of Defendants' Motion to Dismiss Plaintiffs' Second Amended Complaints, and all documents filed in connection therewith, and for the reasons set forth in the accompanying Memorandum, **IT IS HEREBY ORDERED** that the Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendants' Motion is **GRANTED** as to:

- a. Count I insofar as it rests on allegations that Bayer failed to confirm that doctors are knowledgeable hysteroscopists, ensure that doctors monitored their patients following their completion of training, and ensure that that doctors were certified;
 - b. Count II insofar as it rests on a theory that Bayer should have withdrawn Essure;
 - c. Count III insofar as it rest on the two statements in Paragraphs 146(g) and 146(h);
 - d. Count IV insofar as it rests on the statements in Paragraphs 158(a)-(j), (l)-(p), and (r)-(u); and
 - e. Count VI.
2. Defendants' Motion is **DENIED** in all other respects.

BY THE COURT:

/s/ John R. Padova, J.

John R. Padova, J.