

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

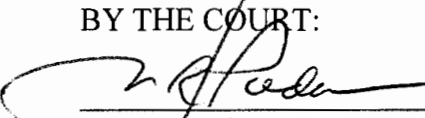
|                            |   |                          |                         |
|----------------------------|---|--------------------------|-------------------------|
| ALEXANDRA DUNSTON          | : | CIVIL ACTION NO. 16-1458 |                         |
|                            | : |                          |                         |
| v.                         | : |                          |                         |
|                            | : |                          |                         |
| BAYER ESSURE, INC., et al. | : |                          |                         |
|                            | : | NO. 16-1645 (Clarke)     | NO. 16-3730 (Mantor)    |
|                            | : | NO. 16-1921 (Souto)      | NO. 16-3731 (O'Donnell) |
|                            | : | NO. 16-2166 (Bailey)     | NO. 16-3732 (Gross)     |
|                            | : | NO. 16-2154 (Campos)     | NO. 16-3733 (Johnson)   |
|                            | : | NO. 16-2717 (Morgan)     | NO. 16-3766 (Summerlin) |
| And Related Actions        | : | NO. 16-3049 (Tulgetske)  | NO. 16-3767 (Rodvill)   |
|                            | : | NO. 16-3409 (Abbey)      | NO. 16-3768 (Bernal)    |
|                            | : | NO. 16-3589 (Burgis)     | NO. 16-3769 (Aponte)    |
|                            | : | NO. 16-3710 (Donahue)    | NO. 16-4081 (Bradford)  |
|                            | : |                          | NO. 17-2915 (Winstrom)  |

**ORDER**

**AND NOW**, this 3rd day of October, 2017, upon consideration of Defendants' Omnibus Motion to Dismiss, the separate, but identical, Motion to Dismiss filed in Winstrom v. Bayer Corp., Civ. A. No. 17-2915, and all documents filed in connection with both Motions, and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** that the Motions are **GRANTED IN PART** and **DENIED IN PART** as follows:

1. The Motions are **GRANTED** to the extent that they seek the dismissal of the portion of the negligent misrepresentation claim in Count IV that rests on the statements in Paragraphs 208(m)-(v), (x)-(z), (aa)-(bb), and (dd)-(ff), and Count IV is **DISMISSED** to the extent that it rests on the statements in Paragraphs 208(m)-(v), (x)-(z), (aa)-(bb), and (dd)-(ff).
2. In all other respects, the Motions are **DENIED**.

BY THE COURT:

  
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 John R. Padova, J.