

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

<p><b>LARRY MENKES, et al.,</b></p> <p style="padding-left: 100px;"><b>Plaintiffs,</b></p> <p style="padding-left: 100px;"><b>v.</b></p> <p><b>3M COMPANY, et al.,</b></p> <p style="padding-left: 100px;"><b>Defendants.</b></p>	<p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p>	<p style="text-align: center;"><b>CIVIL ACTION</b></p> <p style="text-align: center;"><b>NO. 17-0573</b></p>
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**ORDER**

**AND NOW**, this 21st day of May, 2018, upon consideration of Defendants Tyco Fire Products LP’s and Chemguard Inc.’s Motion to Dismiss Complaint (Doc. 11), Motion on Behalf of Defendant Buckeye Fire Protection Company to Dismiss the Plaintiffs’ Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) (Doc. 12), Defendant 3M Company’s Motion to Dismiss Plaintiffs’ Complaint (Doc. 13), Plaintiffs’ Memorandum of Law in Opposition to Defendants’ Motion to Dismiss the Complaint (Doc. 30), Defendants Tyco Fire Products LP’s and Chemguard Inc.’s Reply (Doc. 34), and Defendant 3M Company’s Reply (Doc. 36), **IT IS HEREBY ORDERED AND DECREED** that Defendants’ Motions are **GRANTED IN PART AND DENIED IN PART**<sup>1</sup> as follows:

1. Defendants’ Motions are **DENIED** as to Plaintiffs’ negligence claim in Count One;
2. Defendants’ Motions are **GRANTED IN PART AND DENIED IN PART** as to Counts Two and Three:
  - A. As to Plaintiffs’ defective product failure to warn and design defect claims in Counts Two and Three, Defendants’ Motions are **DENIED**;

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<sup>1</sup> This Order accompanies the Court’s Memorandum dated May 21, 2018.

B. To the extent Plaintiffs assert these claims in strict liability, Defendants'

Motions are **GRANTED**; and

3. Plaintiffs' request for medical monitoring and property-related damages are **DISMISSED**, with leave to amend.

**BY THE COURT:**

**/s/ Petrese B. Tucker**

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**Hon. Petrese B. Tucker, U.S.D.J.**