

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

TED A. MCCRACKEN	:	CIVIL ACTION
	:	
v.	:	NO. 17-4495
	:	
R.J. REYNOLDS TOBACCO COMPANY, et al.	:	
	:	


ORDER

AND NOW, this 26th day of June 2018, upon considering Republic Tobacco, Inc.’s Motion to dismiss (ECF Doc. No. 61), Plaintiff’s Opposition (ECF Doc. No. 74) and for reasons in the accompanying Memorandum, it is **ORDERED** Republic Tobacco, Inc.’s Motion (ECF Doc. No. 61) is **GRANTED in part** and **DENIED in part**:

1. Plaintiff’s claims against Republic Tobacco, Inc. are **dismissed** without prejudice **except** Plaintiff’s negligence and strict liability theories against Republic Tobacco, Inc. for:

- a. “failure to warn” of the alleged conduct;
- b. “design defect” for allegedly (1) altering the amount of nicotine to encourage continued addiction; (2) failing to contain product information data sheets; (3) failing to list accurately and legibly the ingredients contained within its tobacco products and the smoke including known carcinogens; and, (4) lacking stop smoking markings; and,

2. Republic Tobacco, Inc. shall answer the allegations relating to these theories no later than **July 5, 2018**.



 KEARNEY, J