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

DAVID ROBINSON,	:	
	:	**CIVIL ACTION**
Plaintiff,	:	
v.	:	
	:	**NO. 18-1743**
PHILIP MORRIS USA, INC, et al.,	:	
	:	
	:	
Defendants.	:	
	:	

ORDER

AND NOW, this 22nd day of April, 2019, upon consideration of the Motion by Defendants R.J. Reynolds Tobacco Company and Philip Morris USA, Inc. to Dismiss for Failure to State a Claim (Doc. No. 28) and the separate Motion by Defendant Philip Morris USA to Dismiss for Lack of Product Use (Doc. No. 27), it is hereby **ORDERED** that:

1. Defendants' Motion to Dismiss Plaintiff's claims as time barred is **DENIED**;
2. Defendants' Motion to Dismiss Plaintiff's product liability claim in Count I of the Amended Complaint is **DENIED** to the extent that Plaintiff alleges defects in Defendants' warnings prior to 1969 and **GRANTED** in all other respects;
3. Defendants' Motion to Dismiss Plaintiff's negligence claim in Count II of the Amended Complaint is **DENIED**;
4. Defendants' Motion to Dismiss Plaintiff's "youth marketing" claim in Count III of the Amended Complaint is **GRANTED**;
5. Defendants' Motion to Dismiss Plaintiff's Complaint for insufficient process is **DENIED WITHOUT PREJUDICE**. Plaintiff shall have **forty-five (45) days** from the date of this Order in which to effectuate proper service on the Defendants. Failure to do so may result

in dismissal of his Amended Complaint. Defendants shall have **twenty-one (21) days** after service in which to file Answers.

6. Defendant Philip Morris's separate Motion to Dismiss for Lack of Product Use is **DENIED**.

BY THE COURT:

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.