

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

JAMES P. WILSON and JACQUELYN H.  
WILSON,

Plaintiffs,

v.

SYNTHES USA PRODUCTS, LLC, SYNTHES  
SPINE COMPANY, LP, SYNTHES SPINE, INC.,  
SYNTHES USA HQ, INC., and SYNTHES  
NORTH AMERICA, INC.,

Defendants.

CIVIL ACTION  
NO. 14-4724

**ORDER**

**AND NOW**, this 15<sup>th</sup> day of July, 2015, upon review of Defendants' Motion to Dismiss (Docket No. 3), Plaintiffs' Response thereto, Defendants' Reply and both parties' Notices of Supplemental Authority, and after a thorough review of the pleadings, it is hereby **ORDERED** as follows:

1. Defendants' Motion to Dismiss is **GRANTED** in part and **DENIED** in part;
2. Defendants' Motion to Dismiss is **GRANTED** as to the strict liability and negligent marketing claims set forth in Plaintiffs' Complaint, and these claims are stricken from the Complaint;
3. Defendants' Motion to Dismiss is **DENIED** as to the manufacturing defect, negligent design, failure to warn and negligence *per se* claims.

**BY THE COURT:**

/s/ Jeffrey L. Schmehl  
Jeffrey L. Schmehl, J.