

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

PAUL PERRICONE AND JENNIFER  
PERRICONE

NO. 2015 CW 0001

VERSUS

GWENDOLYN W. JACKSON, LIONEL  
JACKSON AND GEICO INDEMNITY  
COMPANY

**APR 10 2015**

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In Re: Sanofi-Aventis, U.S., LLC, applying for supervisory  
writs, 21st Judicial District Court, Parish of  
Tangipahoa, No. 2010-0003521.

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**BEFORE: McDONALD, CRAIN AND HOLDRIDGE, JJ.**

**WRIT GRANTED.** Plaintiffs' petition does not state a viable cause of action against Sanofi-Aventis, U.S., LLC, and the ruling of the trial court is reversed and the peremptory exception raising the objection of no cause of action is granted. The manufacturer of a brand-name pharmaceutical product cannot be held liable for injuries caused by a competitor's generic equivalent under either the Louisiana Products Liability Act or a theory of negligent misrepresentation. **Stanley v. Wyeth, Inc.**, 2007-2080 (La. App. 1st Cir. 5/2/08), 991 So.2d 31.

WJC  
JMM

**Holdridge, J.**, concurs for the additional reason that Sanofi-Aventis, U.S., LLC, did not owe a duty to Caleb Perricone, a non-consumer of the drug. I decline to impose a duty of care that would encompass all users of the road and possibly anyone who could have been affected by Ms. Jackson's actions after she ingested the drug.

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DEPUTY CLERK OF COURT  
FOR THE COURT