

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA, BY AND
THROUGH ITS ATTORNEY GENERAL
JAMES CALDWELL

NO. 2016 CW 1013

VERSUS

SMITHKLINE BEECHEM
CORPORATION D/B/A
GLAXOSMITHKLINE PLC

Consolidated with

STATE OF LOUISIANA, BY AND
THROUGH ITS ATTORNEY GENERAL
JAMES CALDWELL

VERSUS

PFIZER INC. AND WARNER-
LAMBERT COMPANY, LLC

NOVEMBER 28, 2016

In Re: SmithKline Beechem Corporation d/b/a GlaxoSmithKline PLC, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 636032 c/w 638506.


BEFORE: WHIPPLE, C.J., GUIDRY, PETTIGREW, McCLENDON AND CALLOWAY,¹ JJ.

WRIT GRANTED. Pursuant to our review, we find that the trial court abused its discretion in ordering the consolidation of *State of Louisiana v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Suit No. 636,032 with *State of Louisiana v. Pfizer, Inc. and Warner-Lambert, LLC*, Suit No. 638,506, pursuant to La. Code Civ. P. art. 1561. Therefore, the July 14, 2016 judgment ordering consolidation is reversed and the case is remanded for further proceedings.

JMG
JTP
PMc

Whipple, C.J. and Calloway, J., dissent and would deny the writ and decline to exercise supervisory jurisdiction. See *Herlitz Construction Company, Inc. v. Hotel Investors of New Iberia, Inc.*, 396 So.2d 878 (La. 1981) (per curiam).

COURT OF APPEAL, FIRST CIRCUIT


DEPUTY CLERK OF COURT
FOR THE COURT

¹ **Calloway, J.,** serving as judge pro tempore of the Court of Appeal, First Circuit, by special appointment of the Louisiana Supreme Court.