

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA**

**IN RE: Actos (Pioglitazone) Products
Liability Litigation**

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* **MDL NO. 6:11-md-2299**
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This Document Applies To:

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* **JUDGE DOHERTY**

**DAVID E. SMITH and REGINA M. SMITH v.
TAKEDA PHARMACEUTICALS NORTH
AMERICA, INC., et al.,
Case No.: 6:12-cv-03122**

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* **MAGISTRATE JUDGE HANNA**
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PLAINTIFFS' NOTICE OF SUGGESTION OF DEATH

Plaintiffs, by and through undersigned counsel and pursuant to Federal Rule of Civil Procedure 25(a)(1), hereby inform this Honorable Court of the death of PLAINTIFF, DAVID E. SMITH, which occurred on September 20, 2013. Plaintiffs respectfully inform this Court that a Motion for Substitution of Parties will be filed by the representative of DAVID E. SMITH's estate, as well as a Motion for Leave to Amend the Complaint to add a claim for wrongful death and/or a survival action.

Dated: October 8, 2013
Miami, Florida

Respectfully submitted,

/s/ Jeffrey D. De Carlo

Jeffrey D. De Carlo

Florida Bar No.: 0056390

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CERTIFICATE OF SERVICE

I, Jeffrey D. DeCarlo, hereby certify that on October 8, 2013, I electronically filed a true copy of the foregoing Notice of Suggestion of Death with the Clerk of the United States District Court for the Western District of Louisiana using the ECF system, which will send notification of such filing to registered ECF participants in this case.

Dated: Miami, Florida
October 8, 2013

/s/Jeffrey D. DeCarlo
JEFFREY D. DE CARLO