

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

HELEN McLAUGHLIN	:	CIVIL ACTION
	:	
v.	:	
	:	
BAYER CORPORATION, et al.	:	NO. 14-7315

RUTH RUBLE	:	CIVIL ACTION
	:	
v.	:	
	:	
BAYER CORPORATION, et al.	:	NO. 14-7316

MELDA STRIMEL	:	CIVIL ACTION
	:	
v.	:	
	:	
BAYER CORPORATION, et al.	:	NO. 14-7317

SUSAN STELZER	:	CIVIL ACTION
	:	
v.	:	
	:	
BAYER CORPORATION, et al.	:	NO. 14-7318

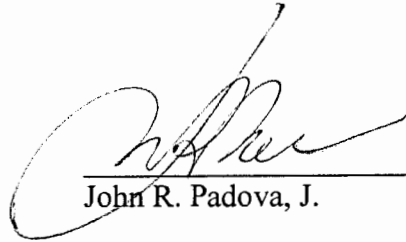
HEATHER WALSH	:	CIVIL ACTION
	:	
v.	:	
	:	
BAYER CORPORATION, et al.	:	NO. 15-384

ORDER

AND NOW, this 14th day of January, 2016, upon consideration of each Plaintiff's "Notice of Withdrawal of Claim for Negligent Design of Plaintiff's First Amended Complaint Without Prejudice," as well as Plaintiffs' statement in their Motion for Judgment on the Pleadings that they also withdraw without prejudice the portion of Count X of their Amended Complaints that asserts a strict liability-design defect claim, and after a hearing on January 11, 2015, at which withdrawal of

these claims was addressed, **IT IS HEREBY ORDERED THAT** Count XIII of each Plaintiff's Amended Complaint, i.e., the negligent design claim, and the strict liability-design defect claim in Count X of each Plaintiff's Amended Complaint are **DISMISSED** without prejudice pursuant to Fed. R. Civ. P. 41(a)(2).¹

BY THE COURT:



John R. Padova, J.

¹Defendants have argued that Federal Rule of Civil Procedure 41(a) prohibits Plaintiffs from withdrawing a claim after an Answer has been filed without first obtaining either the approval of Defendants or an order of the Court. They further argue that any dismissal of the claims at issue should be with prejudice. We conclude, however, that at this early stage of the proceedings, dismissal without prejudice is entirely appropriate.