

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LI LIU AND DR. EMILY LIU, as
Co-Administrators of the Estate
of Dr. ZHENSHENG LIU and Personal
Representative of the Heirs at Law
of Dr. LIU,

Plaintiff,

v.

BOEHRINGER INGELHEIM
PHARMACEUTICALS, INC., BOEHRINGER
INGELHEIM CORPORATION, BOEHRINGER
INGELHEIM USA CORPORATION, and
BOEHRINGER INGELHEIM INTERNATIONAL
GMBH,

Defendants.

CIVIL ACTION
NO. 13-13234-WGY

ORDER

YOUNG, D.J.

October 18, 2016

Li Liu and Dr. Emily Liu (the "Lius") filed a complaint against the above-captioned defendants (the "Defendants") in August 2014. See Compl., ECF No. 1. The Lius' complaint alleges wrongful death of Dr. Zhensheng due to negligent failure to warn, negligent design defect and negligent testing of Pradaxa by the Defendants. Before the Court is the Defendants' motion for summary judgment.


After a motion hearing on October 13, 2016, the Court took this matter under advisement. The adequacy of Pradaxa's label

is a question of fact necessary to determine whether the Defendants ought be held liable for failure to warn. See Garside v. Osco Drug, Inc., 976 F.2d 77, 81 (1st Cir. 1992).

Accordingly, as to the Lius' negligent failure to warn claim, the Defendants' motion is denied. As to the Lius' design defect and negligent testing claims, however, the Lius have failed to produce evidence giving rise to a genuine dispute of material fact, and thus the Defendants are entitled to judgment as matter of law on these claims.

Consistent with the above ruling, the Defendants' motion for summary judgment, ECF No. 41, is **GRANTED IN PART** and **DENIED IN PART**. A memorandum explaining the Court's reasoning shall follow in due course.

SO ORDERED.


WILLIAM G. YOUNG
DISTRICT JUDGE