

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN WALLACE, substituted on behalf :
of Linda Wallace, deceased :

Plaintiff :

v. :

3:12-CV-1905
(JUDGE MARIANI)

NOVARTIS PHARMACEUTICALS CORP. :

Defendant :

ORDER

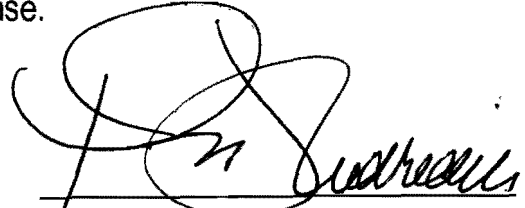
AND NOW, THIS 27 TH DAY OF NOVEMBER 2013, upon consideration of
Defendant's Motion to Dismiss (Doc. 67) and all accompanying briefs, **IT IS HEREBY**

ORDERED THAT:

1. Magistrate Judge Brown's Order granting Plaintiff's Motion to Substitute is
VACATED.
2. Defendant's Motion to Dismiss (Doc. 67) is **GRANTED** for:
 - a. Plaintiff's failure to comply with the provisions of the MDL Court's Case Management Order;
 - b. Plaintiff's failure to comply with FED. R. CIV. P. 25(a);
 - c. Plaintiff's failure to comply with 20 PA. CONS. STAT. § 3375 (abatement statute); and
 - d. Plaintiff's repeated dilatory conduct, analyzed under *Poulis v. State Farm Fire & Cas. Co.*, 747 F.2d 863, 868 (3d Cir. 1984).

3. Therefore, Defendant's *Daubert* motions (Doc. 11-15; Doc. 55) are **DENIED AS MOOT**.

4. The Clerk of Court is directed to **CLOSE** the case.

A handwritten signature in black ink, appearing to read 'R. Mariani', written over a horizontal line.

Robert D. Mariani
United States District Judge