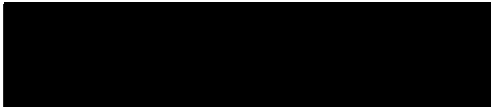


**MISSOURI CIRCUIT COURT
TWENTY-SECOND JUDICIAL CIRCUIT
(St. Louis City)**

)	
)	
Plaintiffs,)	Case No. 1422-CC00225-01
)	Case No. 1322-CC09218-01
vs.)	
)	
PFIZER, INC.,)	Division 30
)	
Defendant,)	

ORDER AND JUDGMENT

Cause called. Parties appear by and through attorneys. Defendant Pfizer's Motion for Summary Judgment heard, argued, briefed and submitted.

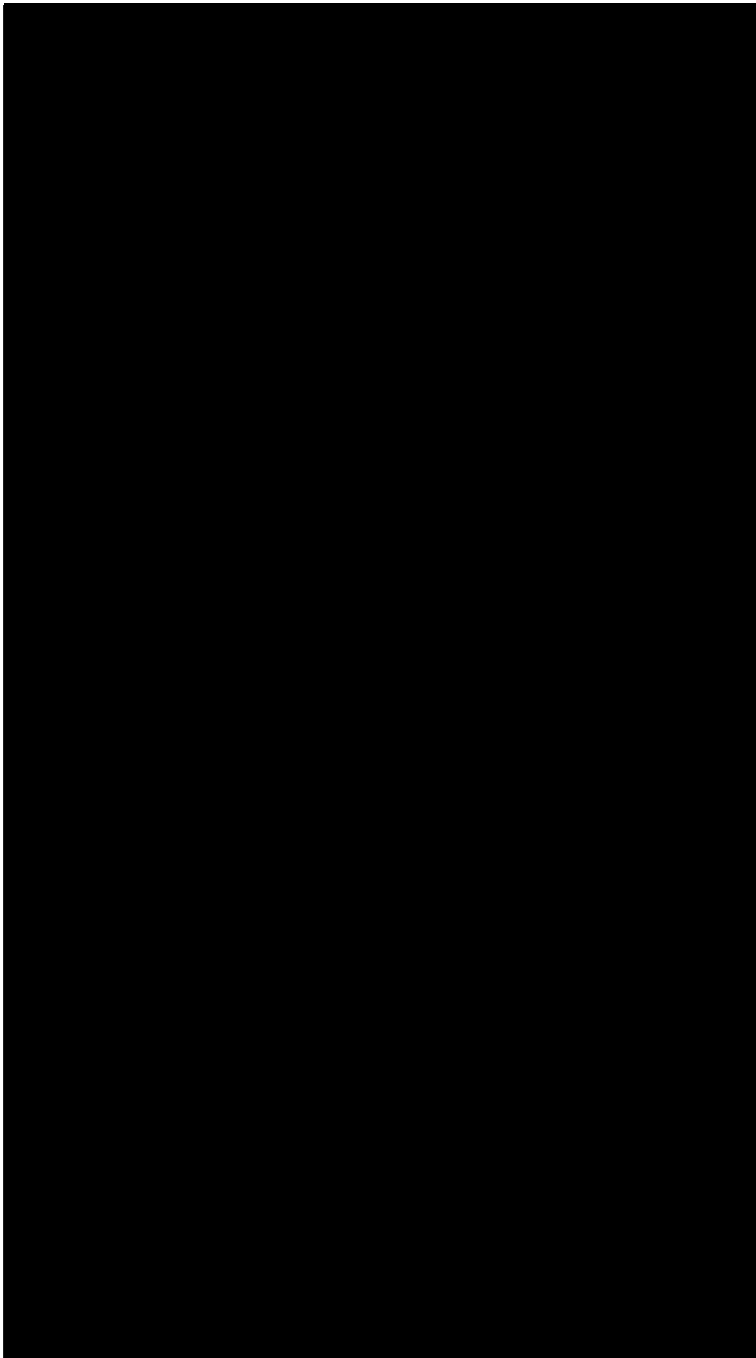
The Court, after careful review and due consideration, finds and rules as follows:

1. Plaintiffs allege that they are women who were prescribed Lipitor, a medication manufactured by Pfizer, and at some date after ingesting Lipitor, developed Type 2 Diabetes.
2. Pfizer seeks summary judgment now on general causation only.
3. Judge Gergel, the MDL Judge, excluded the general causation opinions of Drs. Roberts, Gale, and Quon in full and permitted Plaintiffs to proceed only with certain testimony of Dr. Singh concerning the highest doses of Lipitor (80 mg) and limited the statistical analysis testimony of Dr. Jewell. Judge Gergel then granted Pfizer's motion for summary judgment, holding that plaintiffs who

took less than an 80 mg dose of Lipitor lacked admissible expert testimony on general causation.

4. This Court adopted Judge Gergel's order in its order of February 7, 2019. Accordingly, the only plaintiffs who would be able to proceed with expert testimony on general causation are those who can establish that they received at least an 80 mg dose.
5. Pursuant to this Court's August 16, 2019 order, plaintiffs submitted their chart, exhibit A, indicating the dosages of Lipitor ingested by each plaintiff.
6. Under Missouri law, summary judgment is warranted where "there is no genuine issue as to any material fact and ... the moving party is entitled to a judgment as a matter of law." Mo. R. Civ. P. 74.04(c)(6); *ITT Commercial Fin. Corp. v. Mid-AM. Marine Supply Corp.*, 854 S.W. 2d 371, 380 (Mo. Banc 1993).
7. Therefore, this Court grants summary judgment against all Plaintiffs who did not ingest Lipitor 80 or more mg before developing diabetes. These Plaintiffs lack the admissible expert testimony required to create a genuine issue of fact as to whether Lipitor is capable of causing diabetes at the doses they were prescribed. See *In re Lipitor*, 227 F. Supp. 3d 452, 469-85 (D.S.C. 2017) and *In re Lipitor*, 892 F 3d 624, 649 (4th Cir 2018).

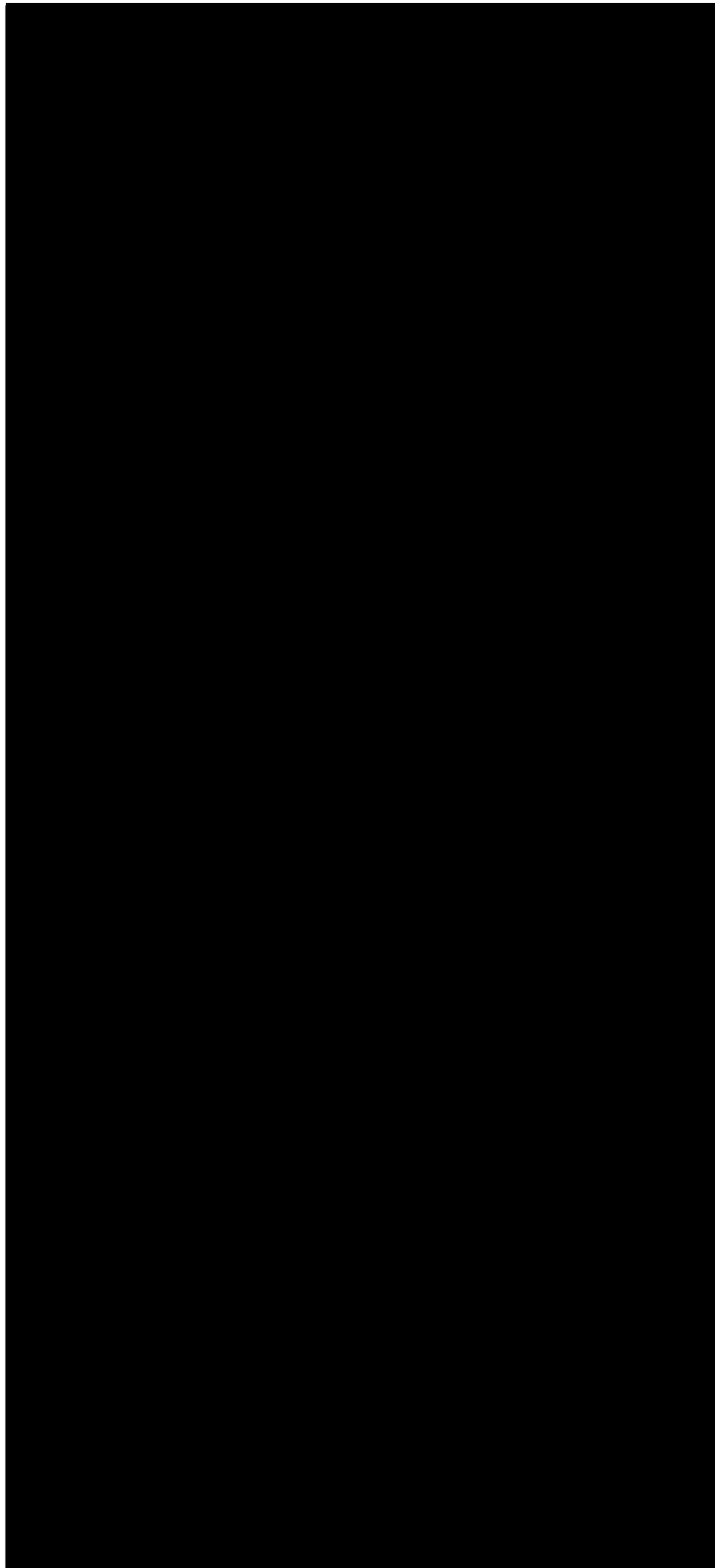
8. In accordance with plaintiff's Exhibit A of September 20, 2019, the following plaintiffs ingested less than the 80 mg dosage of Lipitor. These plaintiffs are as follows:

Name	Cause #	Dose
		10mg
		40mg
		20mg
		40mg
		40mg
		20mg
		40mg
		40mg
		10mg
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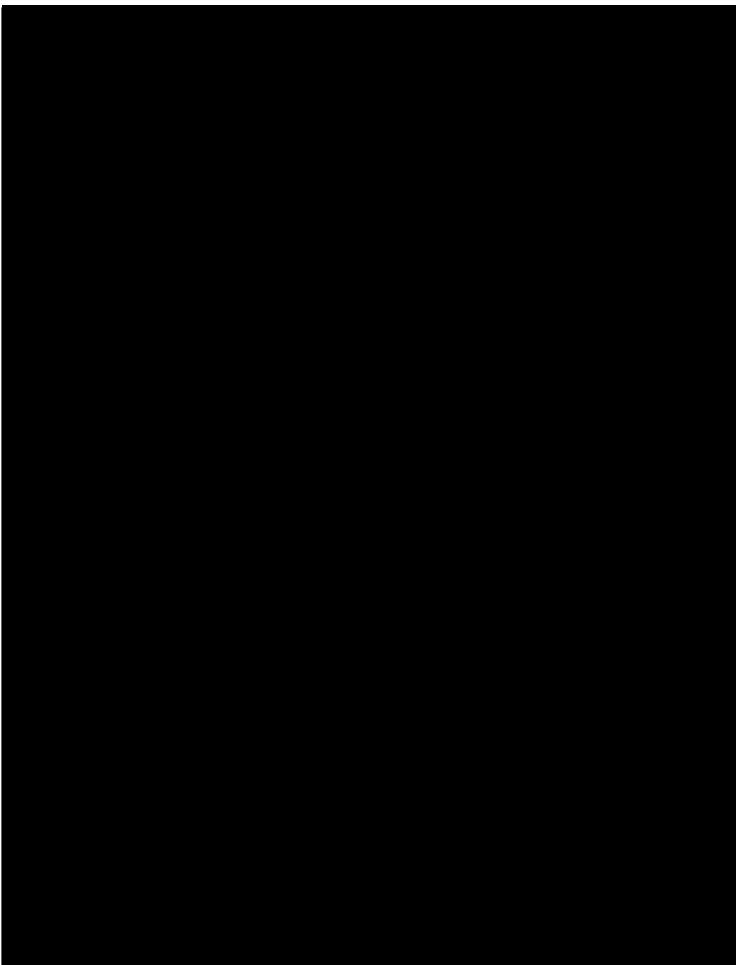
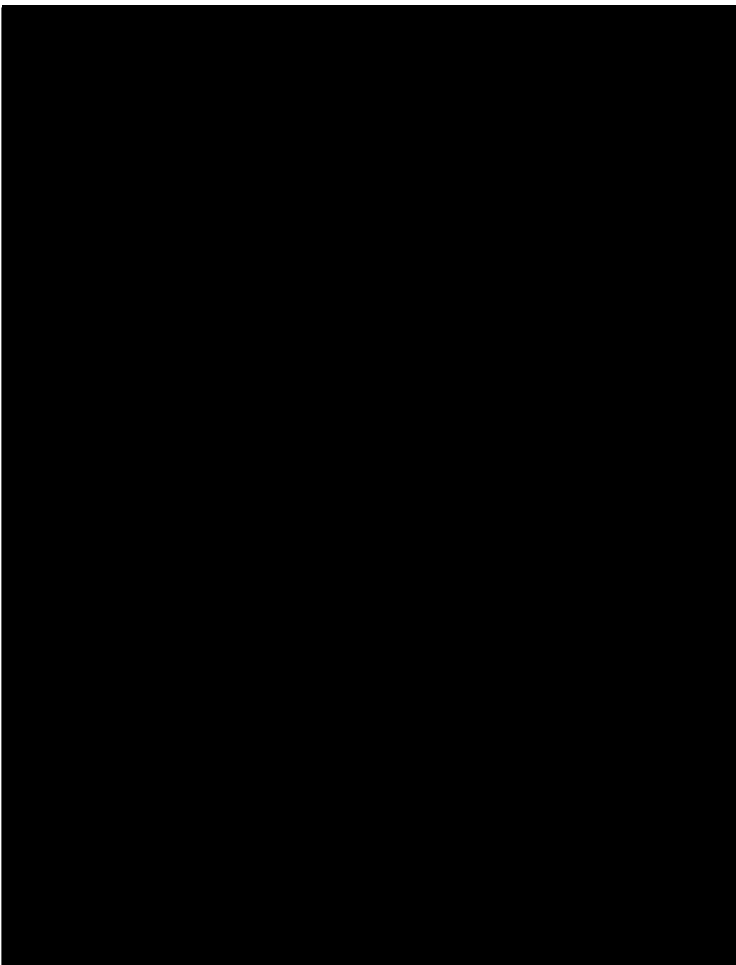
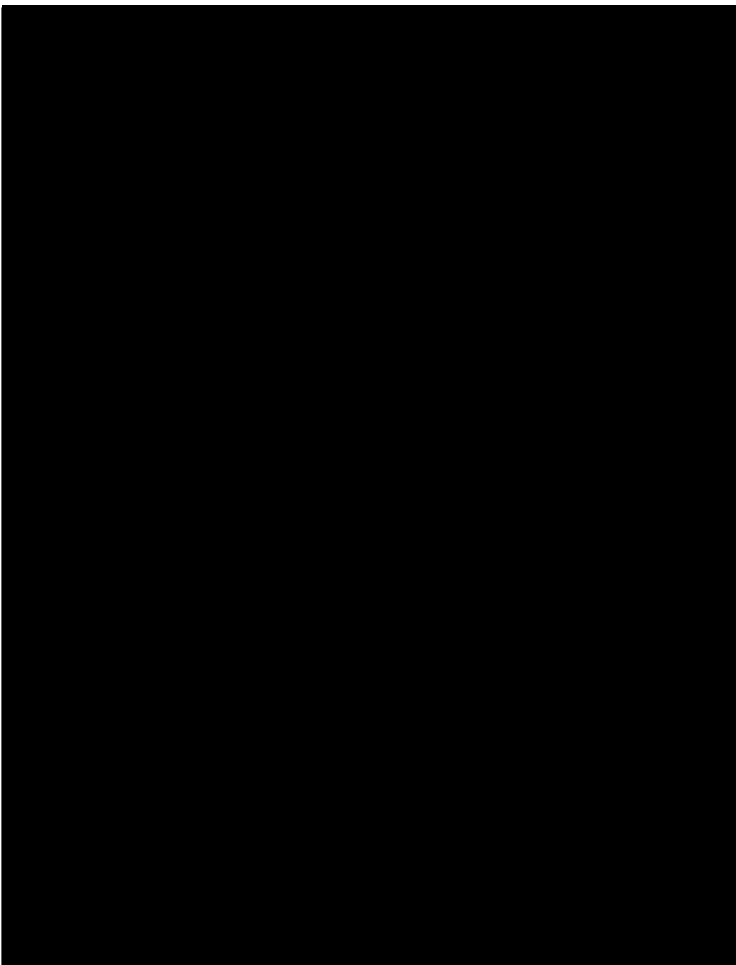
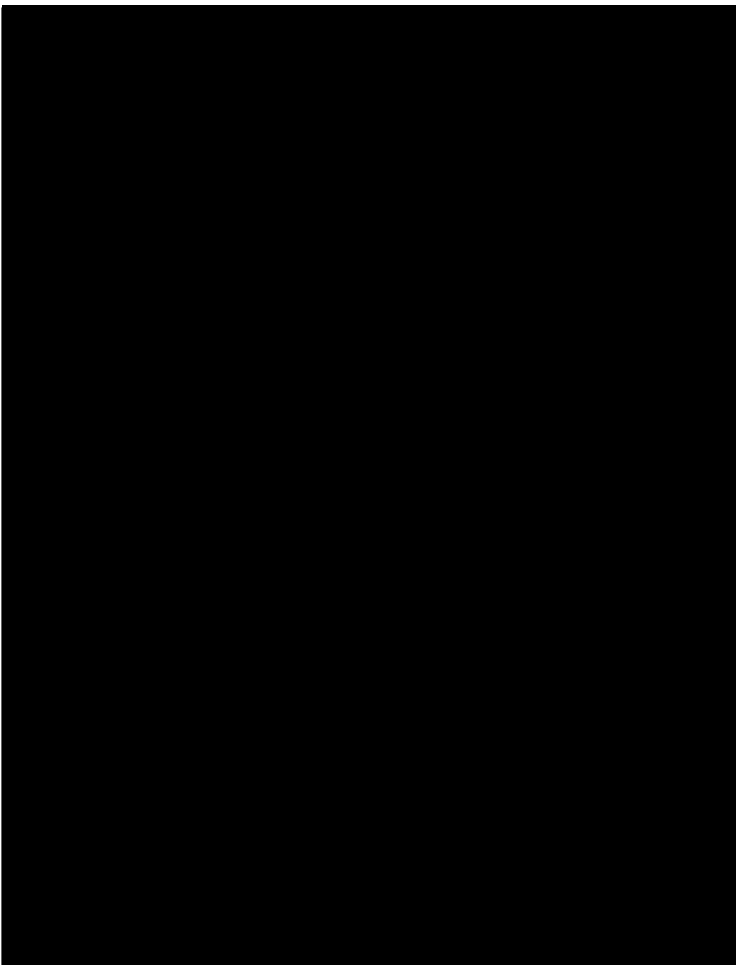
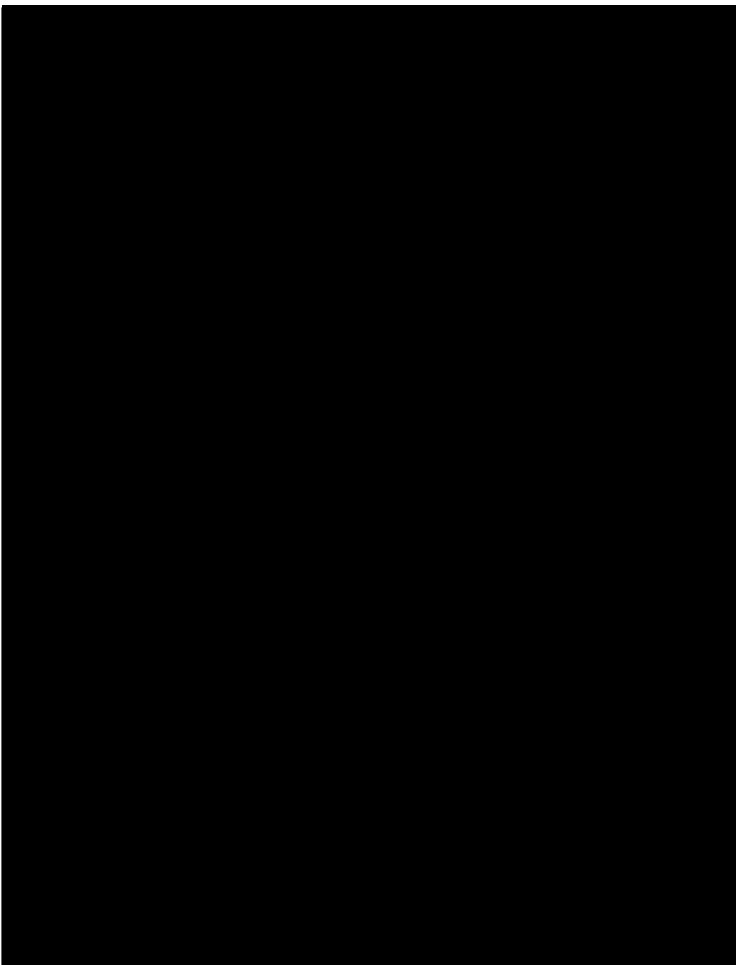
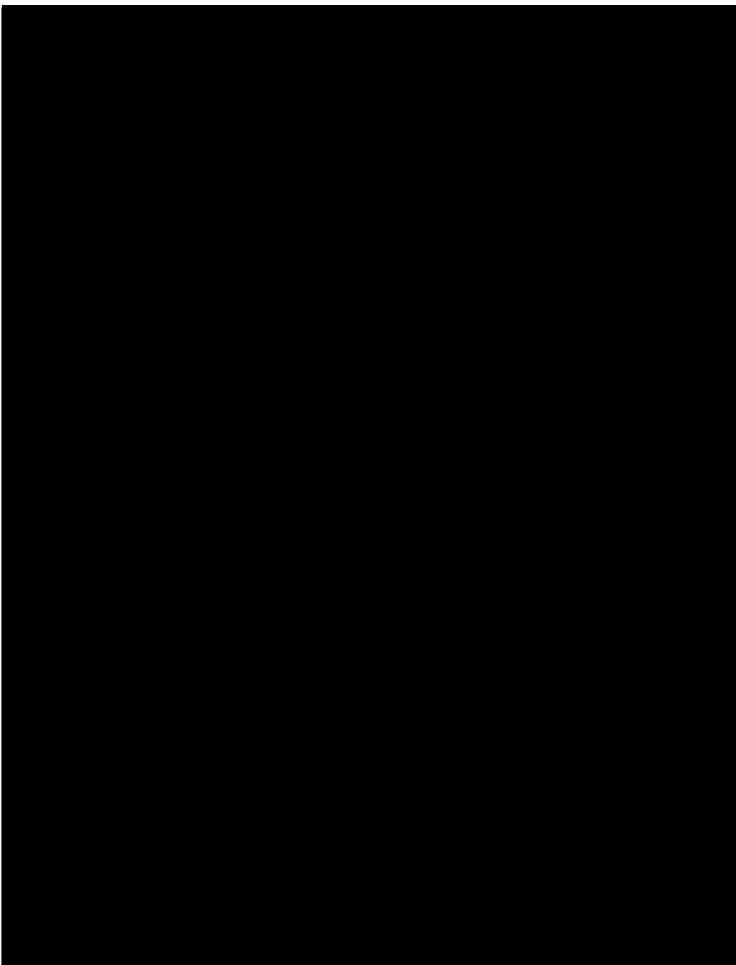
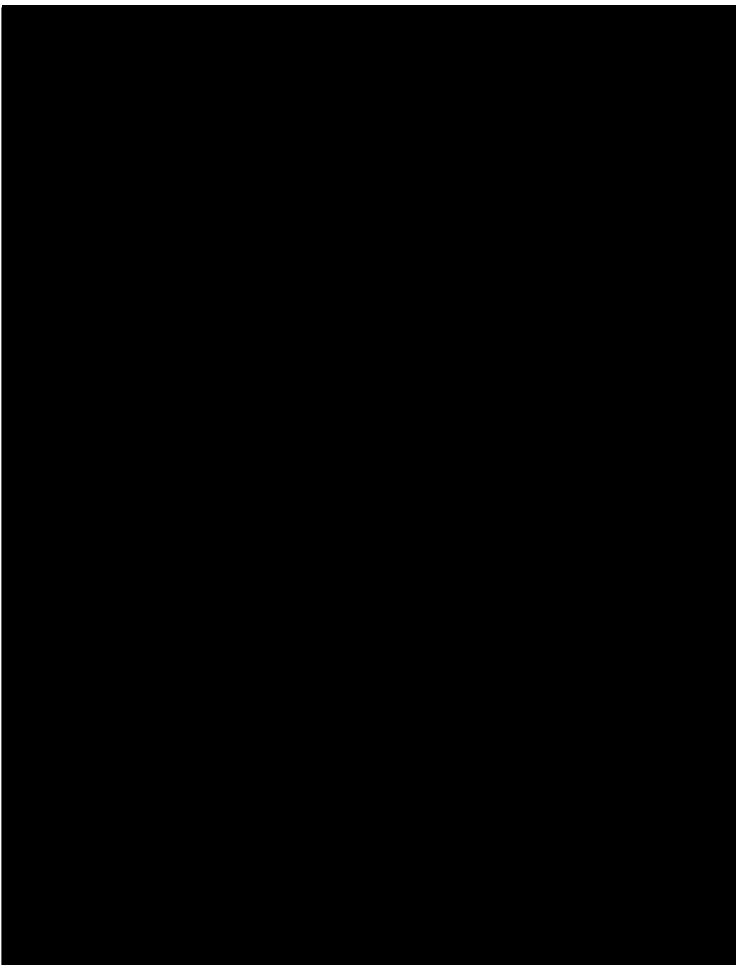
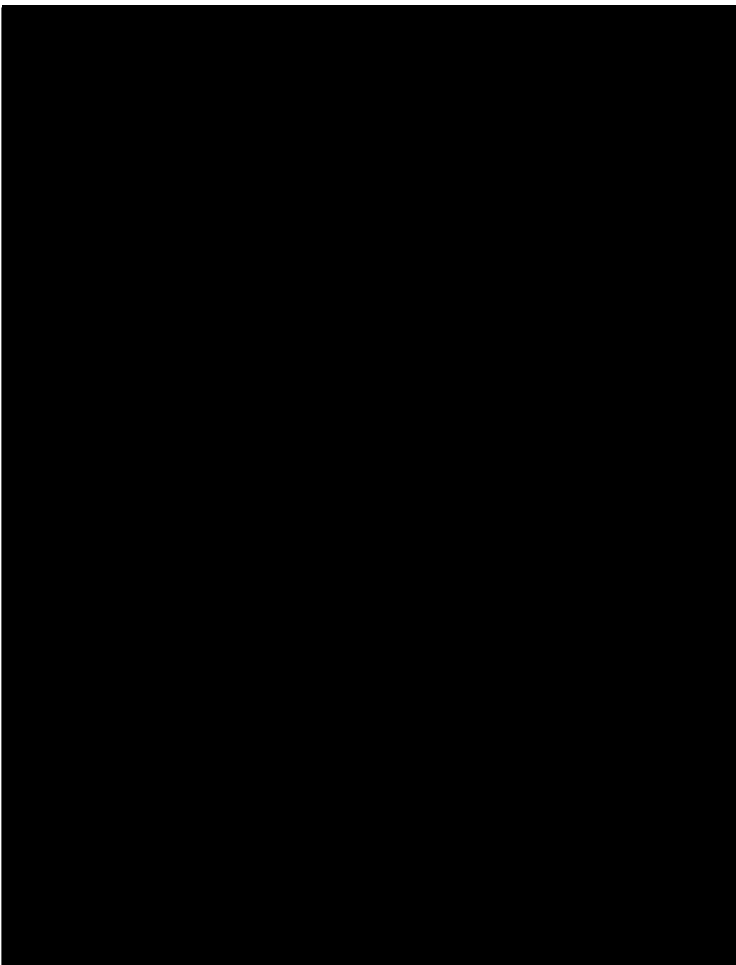
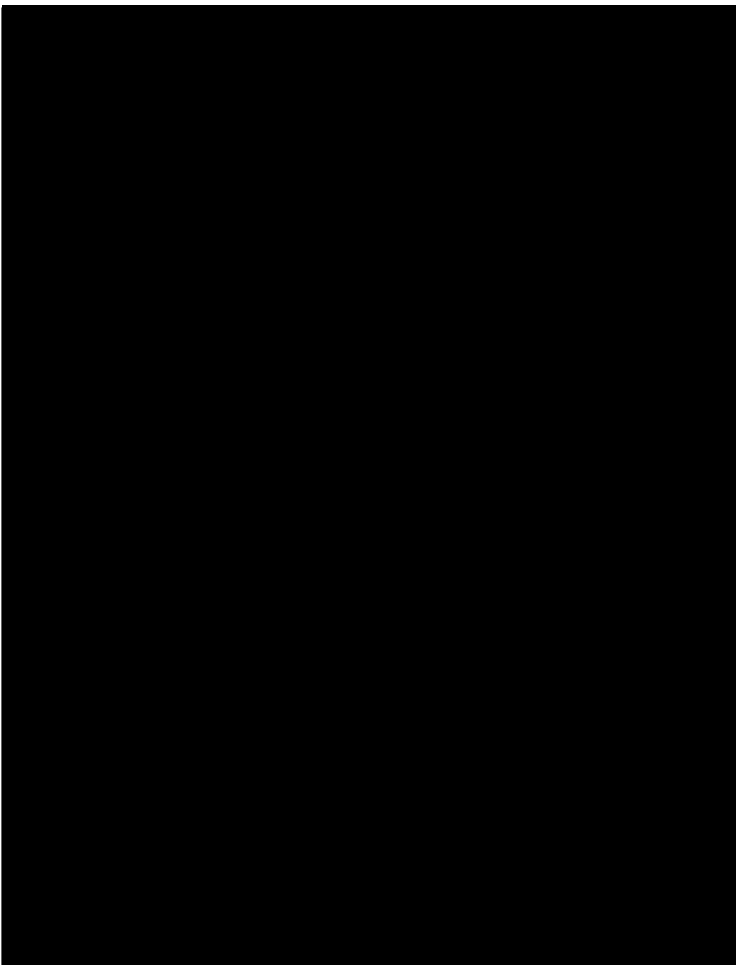
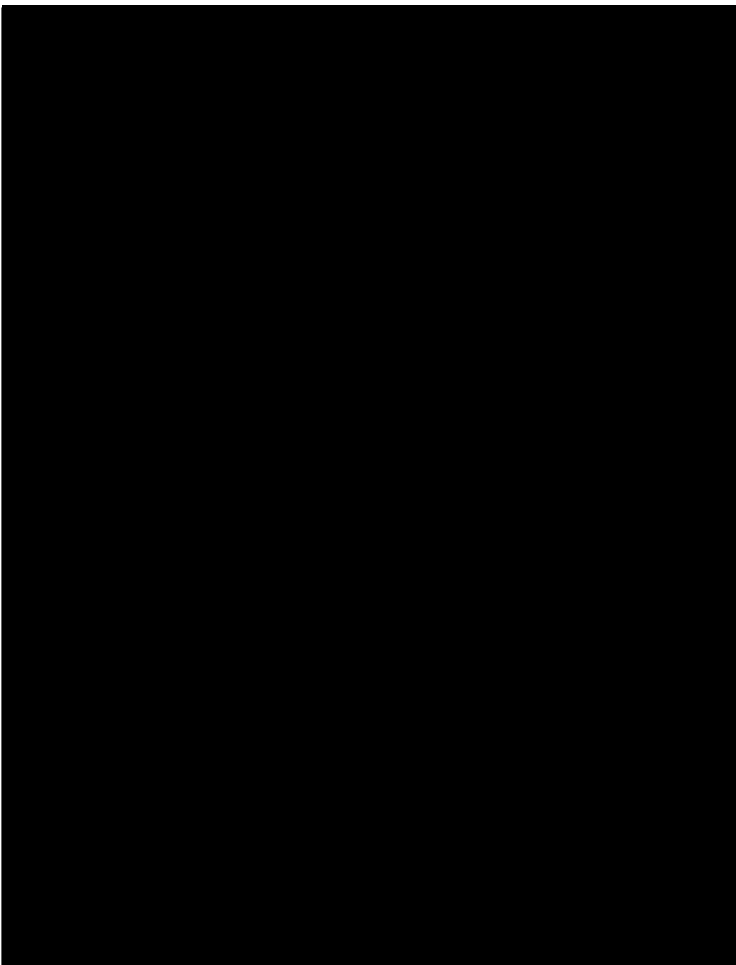
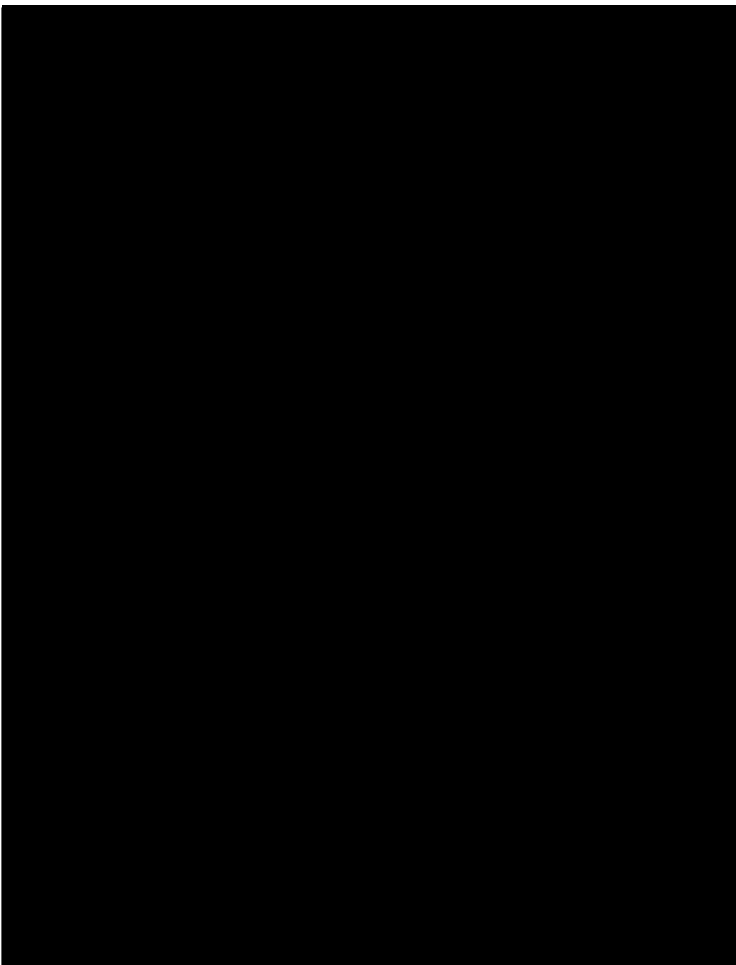
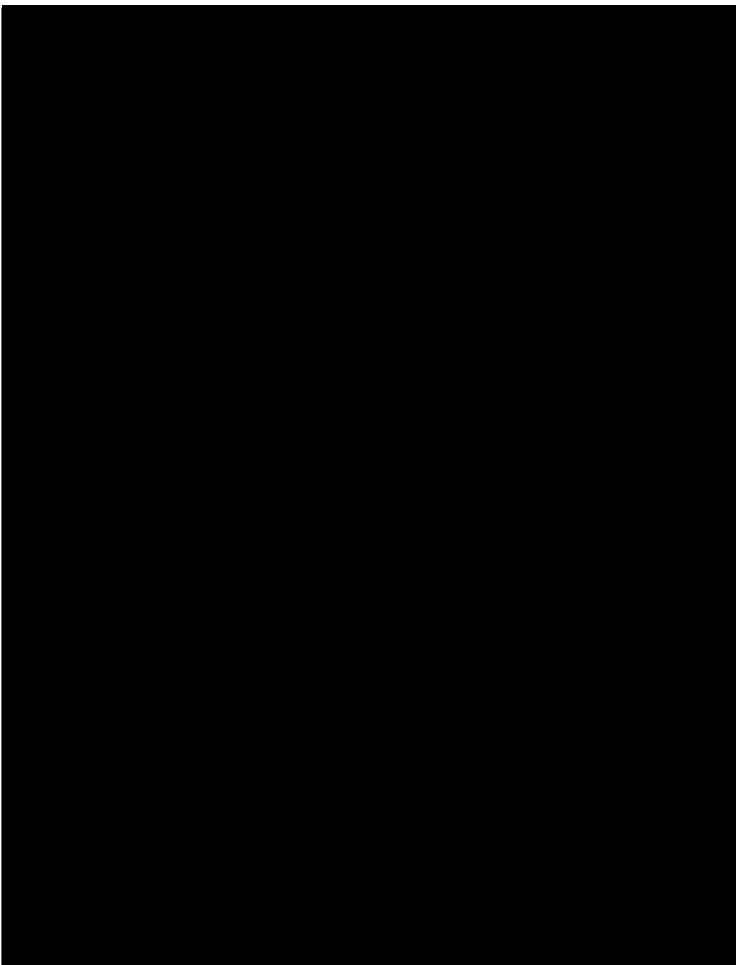
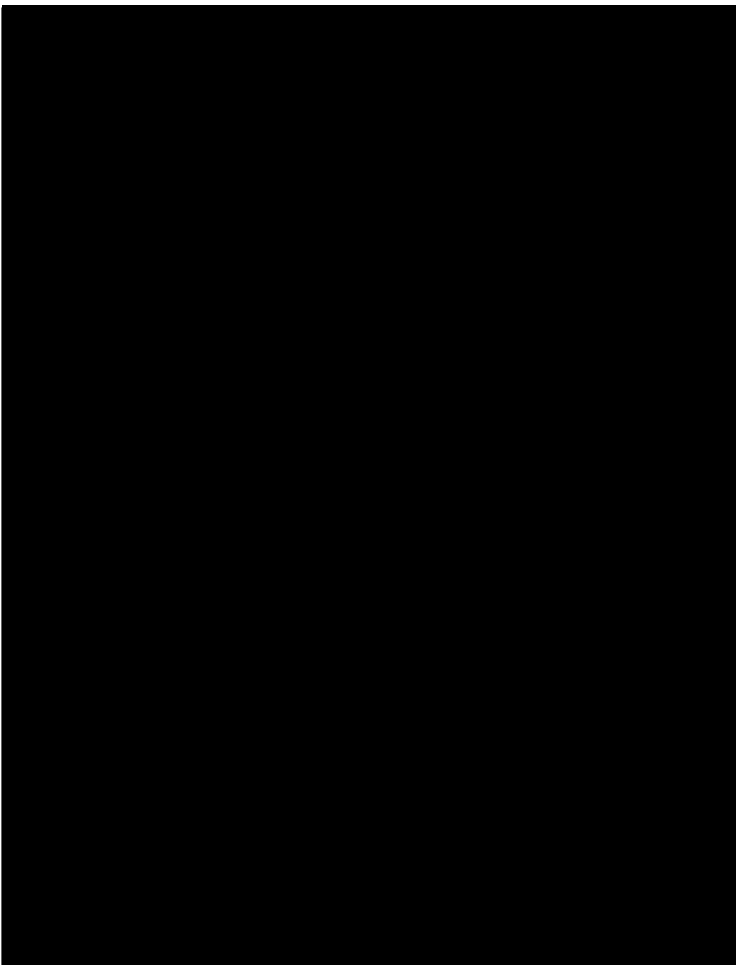
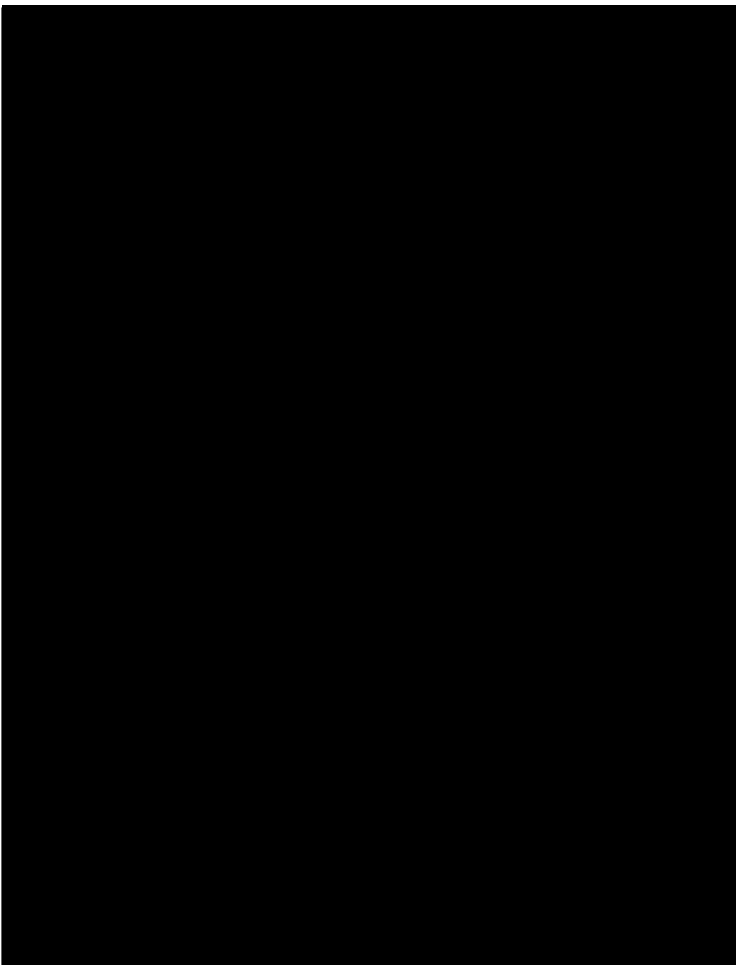
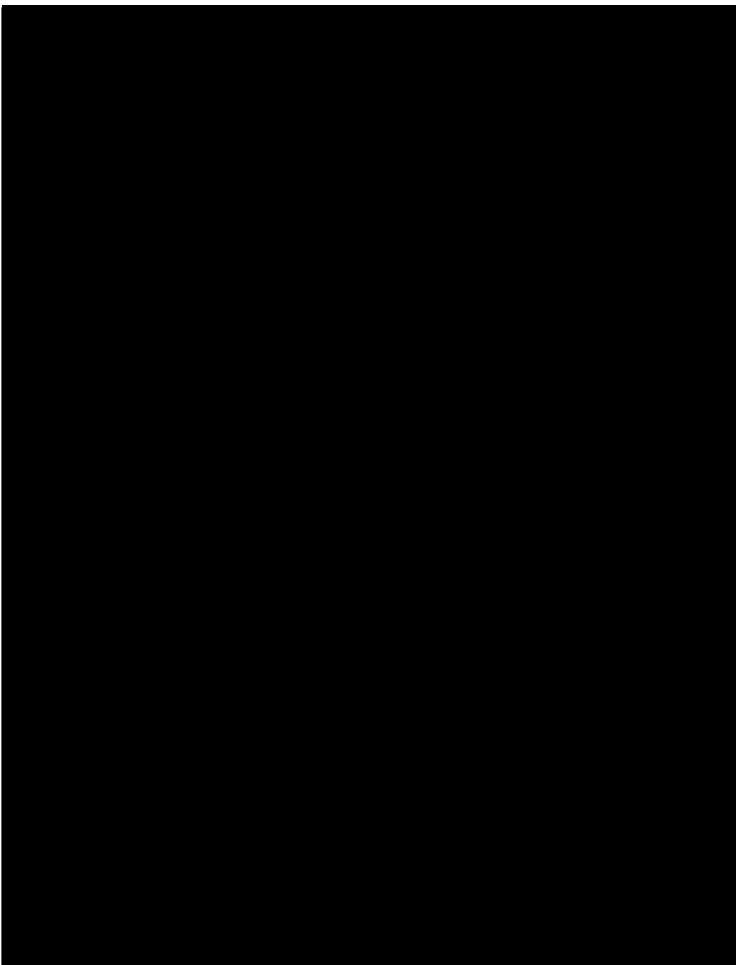
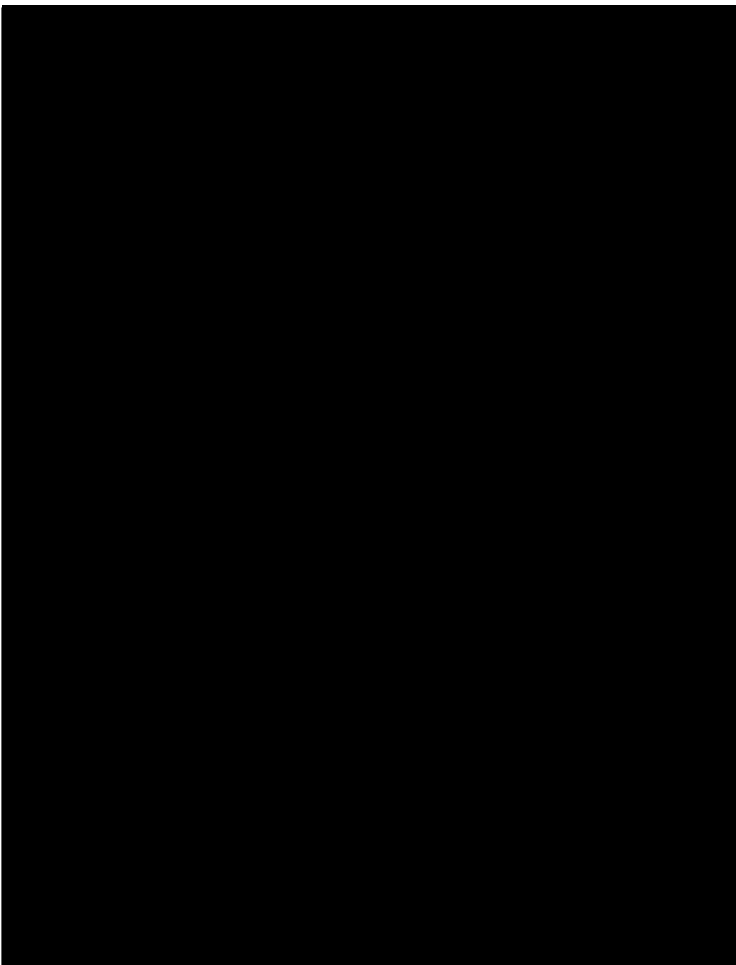
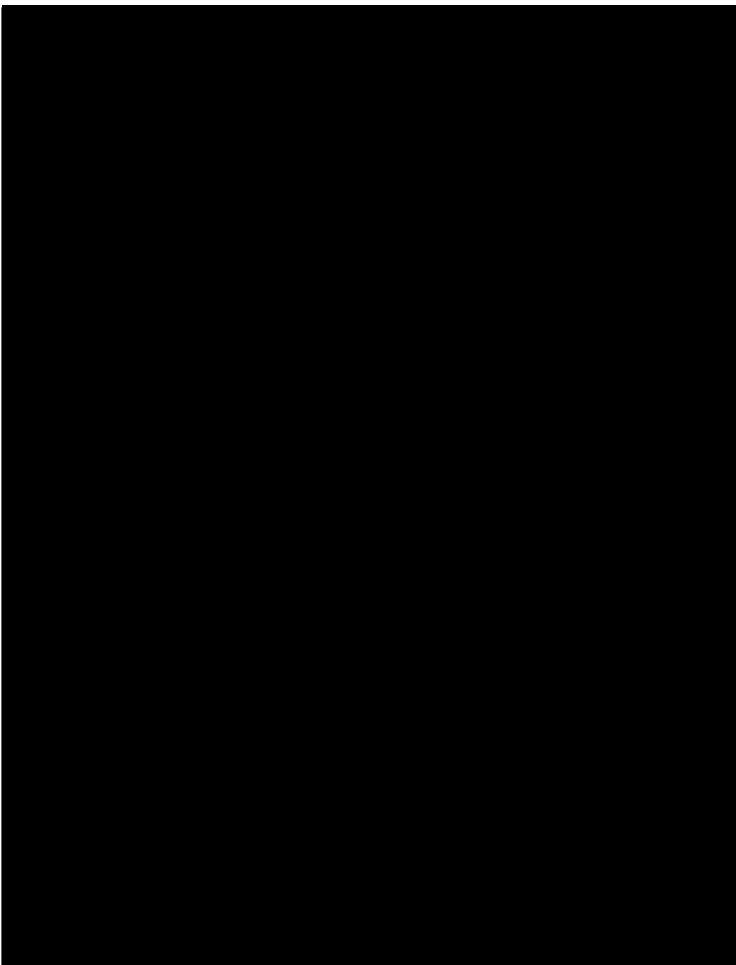
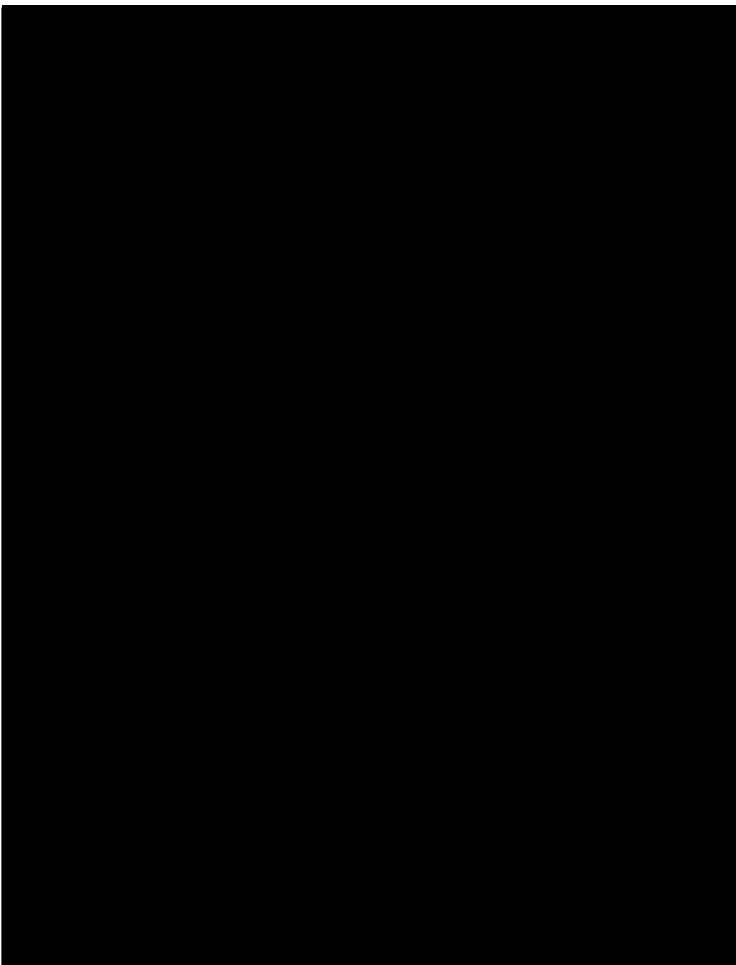
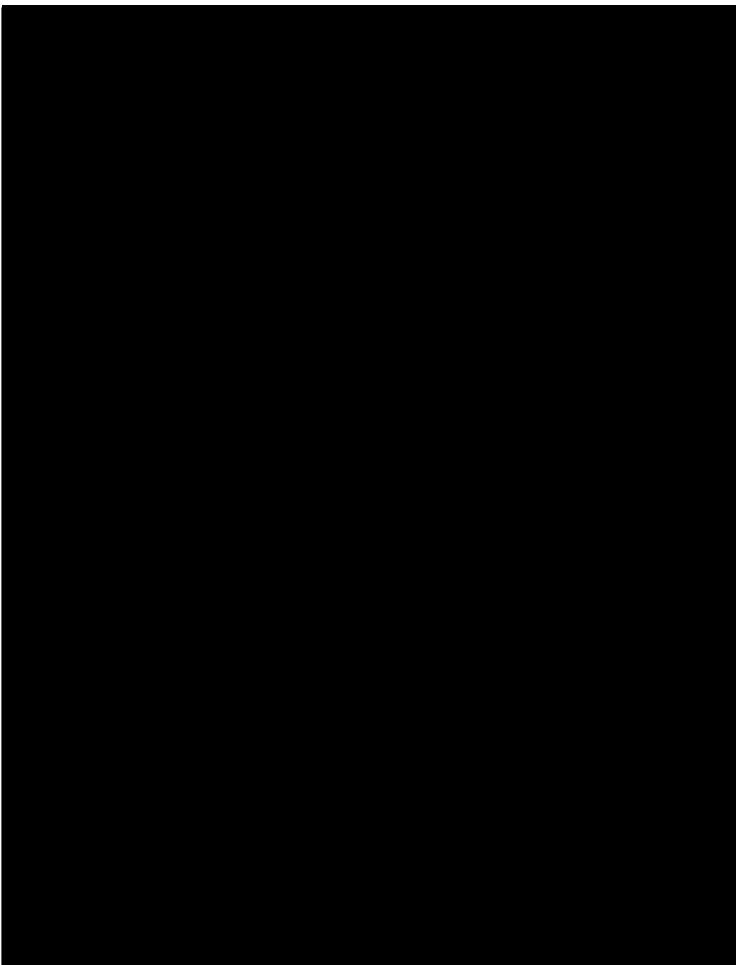
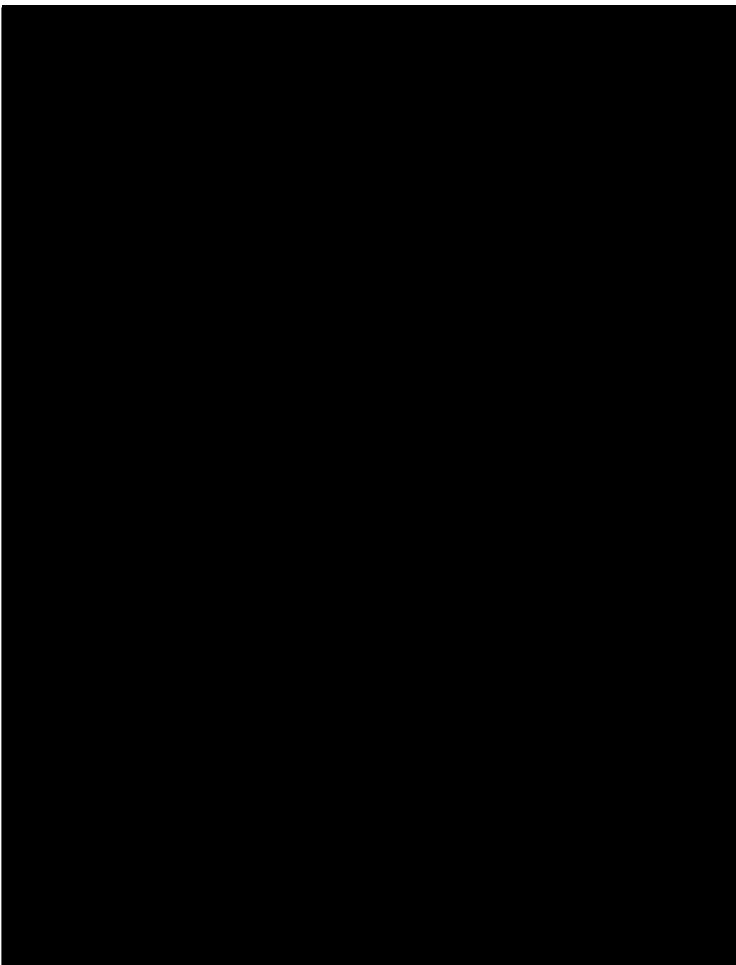
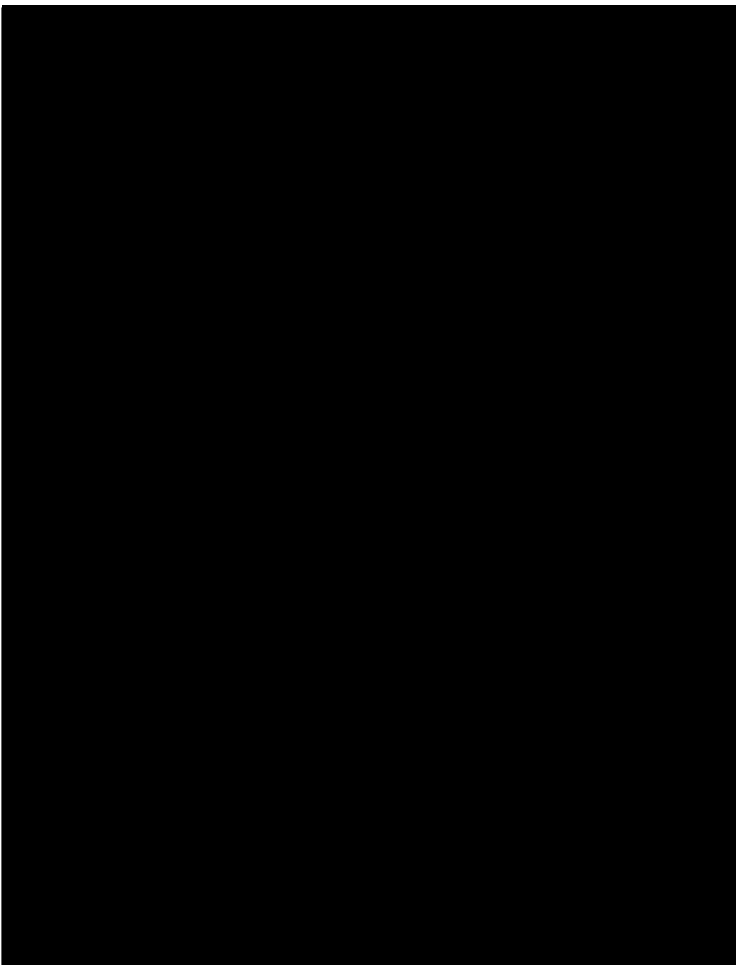
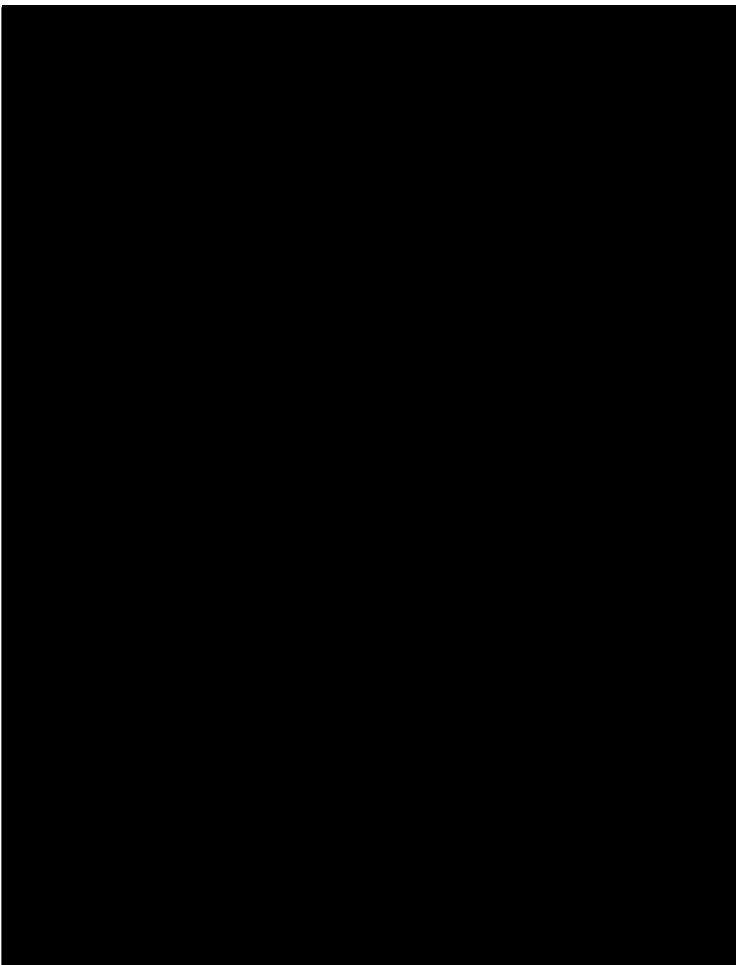
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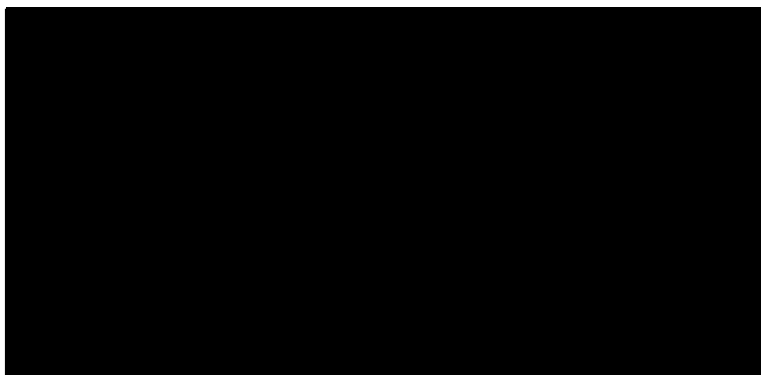
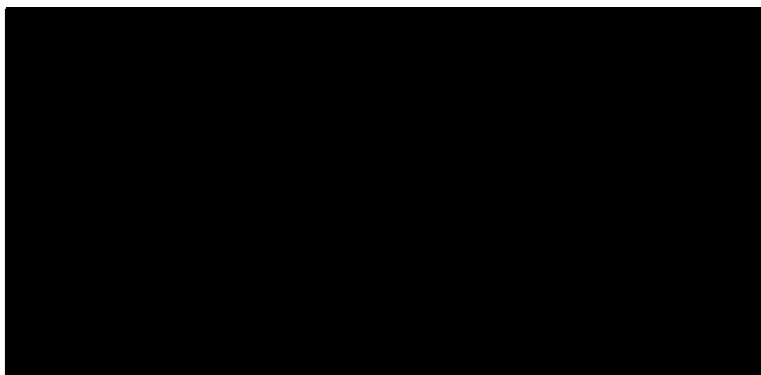
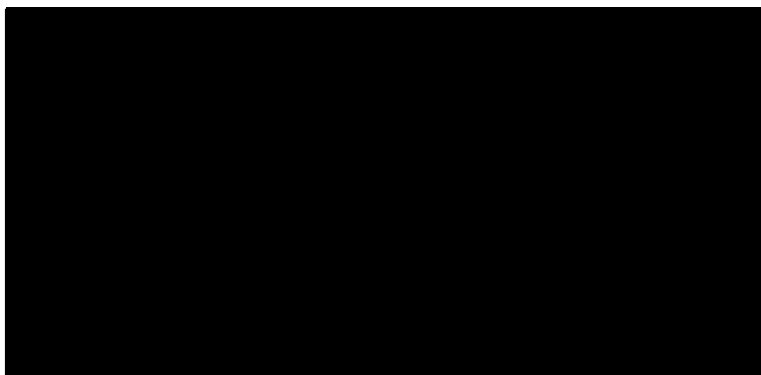
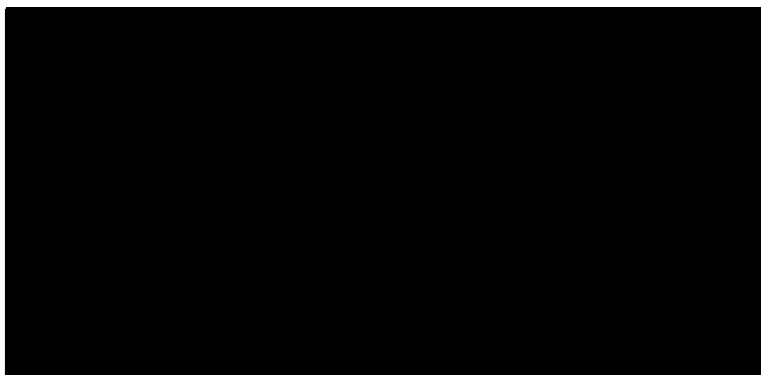
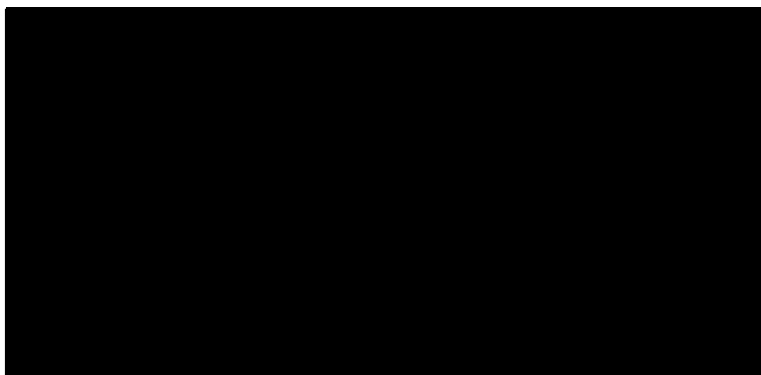
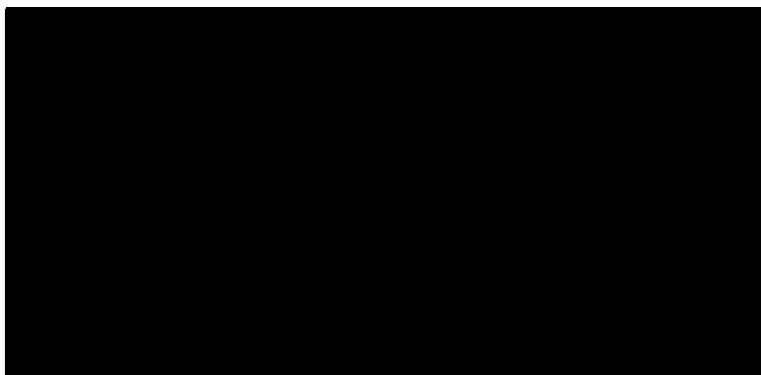
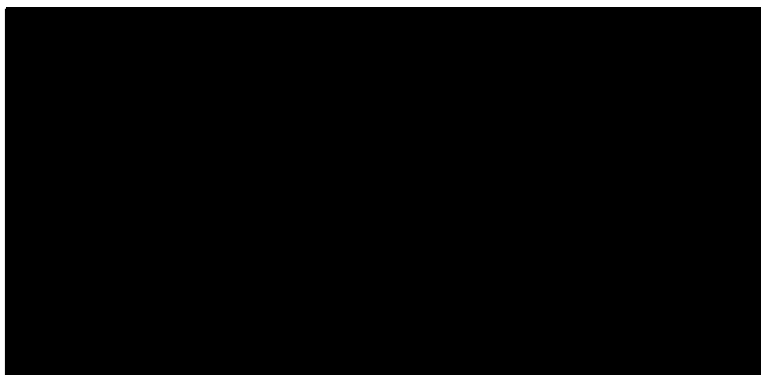
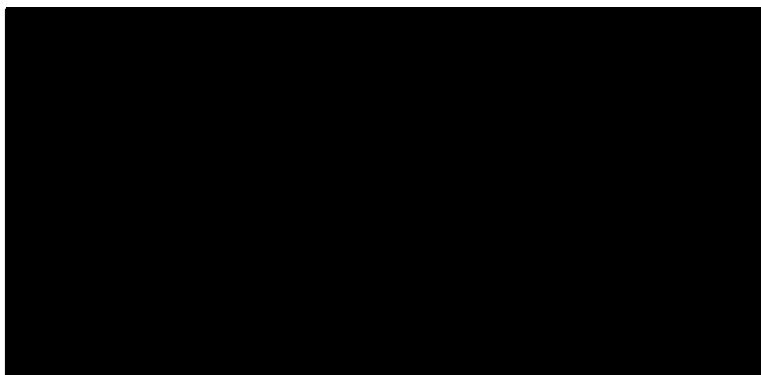


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Name	Cause #	Dose
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Accordingly, the Defendant's, Motion for Summary Judgment is Granted for the above listed plaintiffs.

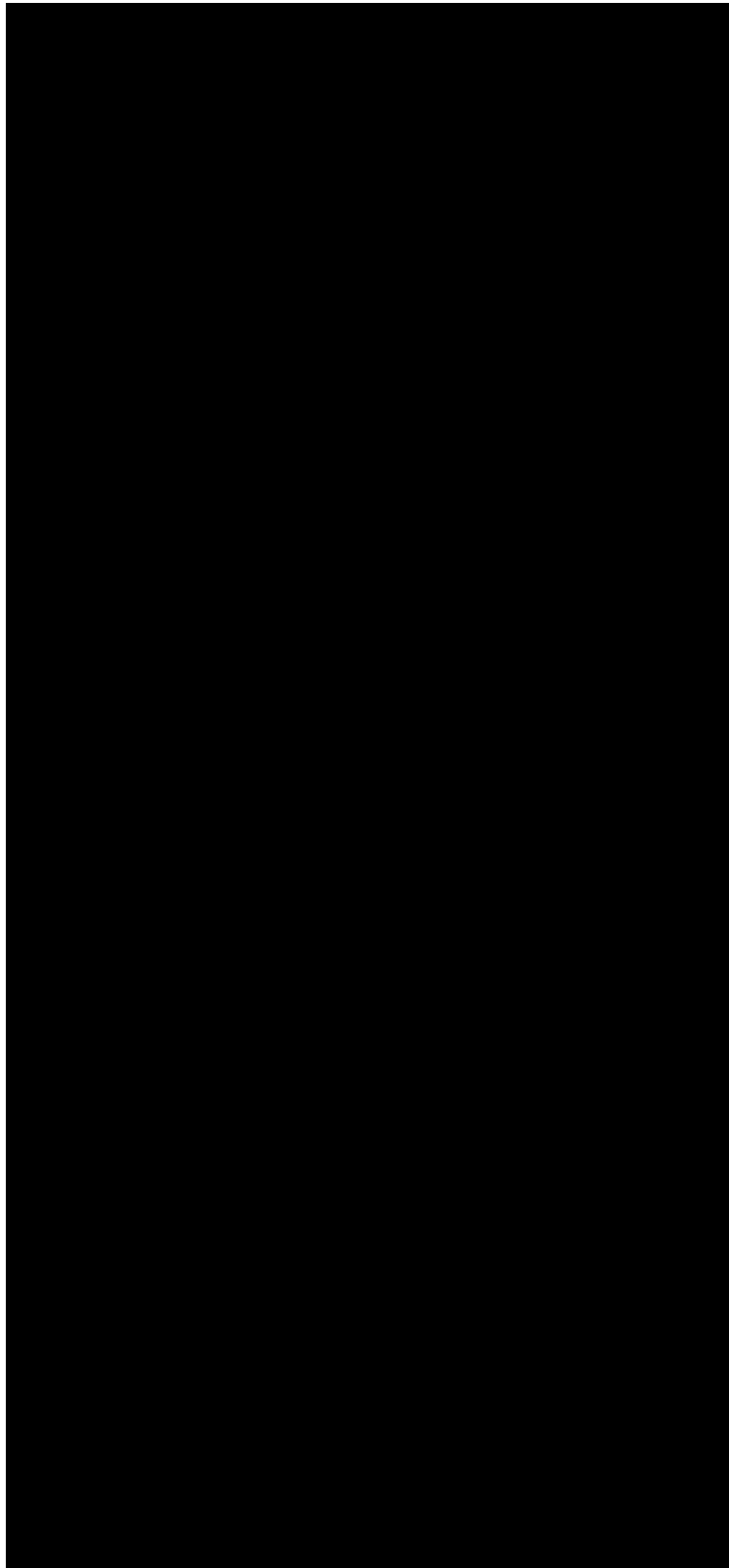
9. These plaintiffs' claim's remain viable:

Name	Cause #	Dose
		80mg
		80mg
		Unconfirmed
		90mg
		80mg
		Unconfirmed
		80mg
		80mg

Name

Cause #

Dose



Unconfirmed

80mg

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Accordingly, the Defendant's Motion for Summary Judgment is Denied for the above listed plaintiffs.

10. As to all viable, remaining plaintiffs listed in paragraph 9, including but not limited to [REDACTED] and [REDACTED] the plaintiffs shall produce discovery to Defendant all records to support the factual assertion that these plaintiffs ingested 80mg of Lipitor or more prior to their diagnosis of Type 2 diabetes. Plaintiff is granted 60 days to produce these records to the Defendant on or before March 6, 2020.
11. This Court sets this matter for a Status Conference on April 1, 2020 in Div. 30 Courtroom 1 at 9:00am.

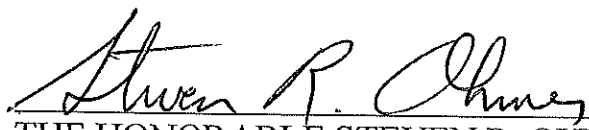
ORDER

WHEREFORE, the court Grants Defendant's Motion for Summary Judgment in Part and Denies Defendant's Motion for Summary Judgment in Part in accordance with this Judgment and Order.

Date:

12/20/19

SO ORDERED:


THE HONORABLE STEVEN R. OHMER
22nd CIRCUIT OF MISSOURI

p.c. Lawyers