

**MINUTE ENTRY**  
**FALLON, J.**  
**March 31, 2003**

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF LOUISIANA**

<b>IN RE: PROPULSID</b>	:	<b>MDL NO. 1355</b>
<b>PRODUCTS LIABILITY LITIGATION</b>	:	<b>SECTION "L"</b>
	:	<b>JUDGE FALLON</b>
.....	:	

**THIS DOCUMENT RELATES TO THE FOLLOWING CASES:**

**Civil Action No. 00-2577, and only on behalf of  
Plaintiff Patricia L. Diez, wife of and on behalf of  
Richard Diez, Richard Diez, Jr., and Marc J. Diez**

Prior to trial in the above-captioned matter, the defendants brought before the Court a motion for partial summary judgment on the issue of unreasonable dangerousness because of a defective design. On March 11, 2003, the Court reserved ruling on this motion and severed the defective design and adequacy of warnings claims. The Court further ordered that trial would begin on March 17, 2003 only as to the plaintiffs' warnings claims. On March 13, 2003, the Court denied the plaintiffs' request for reconsideration of this ruling.

A jury trial began on the issue of adequacy of warnings and lasted eight days. On March 26, 2003, the jury returned a verdict in favor of the defendants. The jury answered the first interrogatory in the negative finding that the cause of Richard Diez, Sr.'s death was not related to Propulsid.

The Court now addresses the pending design defect claim. Since the jury has determined that the

decedent's death was not related to Propulsid, the Court finds that the plaintiffs' claims for defective design are no longer viable. Therefore, IT IS ORDERED that the claims of the Patricia L. Diez, Richard Diez, Jr., and Marc J. Diez be DISMISSED WITH PREJUDICE. The Court will enter a final judgment in accordance with these rulings. The defendant's Motion for Summary Judgment is DENIED AS MOOT.