

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: FRESENIUS GRANUFLO/)	
NATURALYTE DIALYSATE)	No. 1:13-md-02428-DPW
PRODUCTS LIABILITY LITIGATION)	
)	
<u>This Document Relates To:</u>)	
)	
Cases Listed in Exhibit 1)	

**FMCNA’S MOTION TO DISMISS
BASED ON THE MISSISSIPPI STATUTE OF LIMITATIONS**

Defendants Fresenius Medical Care Holdings, Inc. d/b/a Fresenius Medical Care North America; Fresenius USA, Inc.; Fresenius USA Manufacturing, Inc.; Fresenius USA Marketing, Inc.; and Fresenius USA Sales, Inc. (collectively, “FMCNA”) hereby move the Court, pursuant to Fed. R. Civ. P. 12, to dismiss the cases identified in Exhibit 1.

For the reasons stated in the accompanying Memorandum, each of those cases is barred by Mississippi’s statute of limitations because each was filed more than three years after the date of the alleged injury or death.

WHEREFORE, FMCNA requests that the Court dismiss the cases listed in Exhibit 1.

Certification Pursuant to Local Rule 7.1

Counsel has conferred with counsel for the Plaintiffs in an attempt to resolve or narrow the issue presented in this Motion.

August 15, 2014

Respectfully submitted,

s/ Kevin C. Newsom

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CERTIFICATION OF SERVICE

I certify that the foregoing Motion to Dismiss was filed electronically through the ECF system and a true and correct copy will be sent electronically to the registered participants identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 15, 2014.

s/ Kevin C. Newsom

EXHIBIT 1

**Cases Involving Mississippi Patients
Filed More Than 3 Years After the Date of Injury/Death**

	Where Filed	Date of Filing	Date of Injury/ Death
Jeffrey Meeks 1:13-cv-10887	SDMS	3/25/13	6/30/09
Cathy Donald 1:13-cv-10890	SDMS	3/12/13	6/22/08
Judy Orman 1:13-cv-10896	NDMS	3/11/13	1/10/10
Johnnie O. White 1:13-cv-10898	NDMS	2/22/13	2/21/10
Sarah Hughes 1:13-cv-10902	NDMS	2/12/13	5/22/09
Velma Jean Earvin 1:13-cv-10915	NDMS	3/5/13	6/28/04
Brenda Parks 1:13-cv-10916	NDMS	3/11/13	10/3/09
D. Nichols-Green 1:13-cv-10917	NDMS	3/5/13	9/5/07
Mary Ellis 1:13-cv-10919	NDMS	3/11/13	2/3/09
Carolyn Reed 1:13-cv-10920	NDMS	3/11/13	4/13/09
Lisa Boatwright 1:13-cv-10921	NDMS	3/11/13	4/11/08
Dorothy Randle 1:13-cv-10922	NDMS	3/11/13	7/14/09
Thomas Bankston 1:13-cv-10923	SDMS	3/19/13	2/20/09
Peggy Pugsley 1:13-cv-10954	NDMS	3/1/13	4/21/07
Lillie Webb 1:13-cv-10956	NDMS	3/3/13	9/13/09
Patricia Landrum 1:13-cv-10965	SDMS	4/5/13	2/28/10
John Earl Dickey 1:13-cv-10967	SDMS	4/4/13	4/13/05
Brenda Willis 1:13-cv-10968	SDMS	4/4/13	11/12/03
Barbara Gray 1:13-cv-10973	SDMS	4/5/13	4/9/04
Billy Ray Horne 1:13-cv-11043	NDMS	4/4/13	1/22/10

William Sullivan 1:13-cv-11041	NDMS	4/4/13	7/29/09
Jennifer Rankins 1:13-cv-11046	SDMS	4/4/13	10/31/06
Gloria Dunaway 1:13-cv-11714	SDMS	4/26/13	6/7/08
Bobbie Hodges 1:13-cv-11716	SDMS	4/26/13	3/15/04
Mervin Boyd 1:13-cv-11717	SDMS	4/26/13	5/31/08
Jayne Hammond 1:13-cv-11718	SDMS	4/26/13	4/21/08
Brian Adams 1:13-cv-11720	SDMS	4/26/13	7/8/05
Samantha Jackson 1:13-cv-12358	SDMS	8/12/13	2/8/06
C. Hamilton 1:13-cv-12360	SDMS	8/12/13	7/18/07
Jennifer Gayden 1:13-cv-12385	SDMS	8/9/13	5/12/04
Willie Matthews 1:13-cv-12387	SDMS	8/8/13	2/19/07
Ettie Ervin 1:13-cv-12394	SDMS	8/9/13	4/1/03
Rebecca Bacot 1:13-cv-12396	SDMS	8/9/13	6/18/03
Ivy Dawson 1:13-cv-12401	SDMS	8/8/13	10/25/03
Mary Sparkman 1:13-cv-12402	SDMS	8/8/13	6/11/03
Zelda Stalling 1:13-cv-12441	SDMS	8/8/13	7/1/10
Ellis Davis 1:13-cv-12445	SDMS	8/12/13	12/24/06
Jessica Jones 1:13-cv-12447	SDMS	8/12/13	1/7/10
Laura Drake 1:13-cv-12449	SDMS	8/12/13	6/18/04
V. Montgomery 1:13-cv-12451	SDMS	8/12/13	7/23/06
Jannie Murphy 1:13-cv-12452	SDMS	8/12/13	4/30/03
Patricia Patterson 1:13-cv-12453	SDMS	8/12/13	4/22/09
Marcus Starks 1:13-cv-12454	SDMS	8/12/13	4/11/05

Fred Watkins 1:13-cv-12456	SDMS	8/12/13	4/18/09
Christine Cage 1:13-cv-12457	SDMS	8/12/13	3/11/03
Constance Brown 1:13-cv-12458	SDMS	8/13/13	11/30/06
Daniel Carter 1:13-cv-12459	SDMS	5/24/13	12/7/07
Joyce Clark 1:13-cv-12460	SDMS	5/24/13	4/10/07
D. Crushfield 1:13-cv-12461	SDMS	5/24/13	12/6/05
Eva Dawson 1:13-cv-12462	SDMS	5/24/13	1/14/07
Ida Davis 1:13-cv-12463	SDMS	8/13/13	5/26/06
Ida Davis 1:13-cv-12464	SDMS	8/13/13	2/25/06
Kathy Dennis 1:13-cv-12465	SDMS	8/12/13	3/25/09
Linda Dunbar 1:13-cv-12466	SDMS	5/24/13	4/26/10
Kathy Dennis 1:13-cv-12467	SDMS	8/13/13	1/22/07
Lenora Harden 1:13-cv-12469	SDMS	8/13/13	12/8/09
M. Montgomery 1:13-cv-12474	SDMS	5/24/13	8/18/08
Alisa Miles 1:13-cv-12476	SDMS	8/13/13	7/21/09
Kimberly Ross 1:13-cv-12478	SDMS	5/24/13	9/22/08
Vaunsia Russ 1:13-cv-12481	SDMS	8/13/13	6/22/07
Latoya Nobles 1:13-cv-12482	SDMS	8/13/13	12/18/07
Edna Stine 1:13-cv-12484	SDMS	5/24/13	10/30/09
Jessie Veal 1:13-cv-12485	SDMS	5/24/13	1/24/07
Ethel Rowan 1:13-cv-12488	SDMS	9/16/13	3/10/09
Calla Bolton 1:13-cv-12671	DMA (not direct)	10/22/13	6/7/04
Daphne James 1:13-cv-12865	NDMS	9/3/13	8/14/09

Kenneth Wright 1:13-cv-12867	NDMS	9/3/13	3/26/08
Gloria Boyce 1:13-cv-12868	NDMS	9/5/13	11/6/07
Monica Burton 1:13-cv-12870	NDMS	9/5/13	4/27/08
Clara Harris 1:13-cv-12872	NDMS	8/29/13	11/27/08
Irma Burton 1:13-cv-12876	NDMS	8/30/13	11/8/05
Patricia Thomas 1:13-cv-12877	NDMS	9/6/13	11/2/07
Mary Bland 1:13-cv-12878	NDMS	8/30/13	8/27/04
Don Gillespie 1:13-cv-12879	NDMS	8/30/13	1/2/08
Ruby Davis 1:13-cv-12881	NDMS	9/16/13	1/31/09
Kathy McDougal 1:13-cv-12882	NDMS	9/5/13	4/15/08
Mae Johnson 1:13-cv-12883	NDMS	8/29/13	12/10/07
Otis Bradley 1:13-cv-12887	NDMS	8/29/13	9/4/05
Amanda Virgin 1:13-cv-12888	NDMS	8/29/13	10/22/06
Tyonda Tinner 1:13-cv-12891	NDMS	9/16/13	3/5/09
Clotee Downs 1:13-cv-12892	NDMS	8/29/13	6/28/08
Kathy Scott 1:13-cv-12896	NDMS	9/4/13	9/11/03
Lakenya Nolden 1:13-cv-12897	NDMS	9/4/13	8/30/09
Robert Caffey 1:13-cv-12898	NDMS	9/4/13	5/10/06
Betty Clark 1:13-cv-12899	NDMS	9/5/13	12/10/08
Wendy Johnson 1:13-cv-12900	NDMS	9/16/13	9/10/10
Minnie Carter 1:13-cv-12901	NDMS	8/30/13	5/17/10
Victor Bolden 1:13-cv-12904	NDMS	8/30/13	11/14/04
Corrina Riley 1:13-cv-12931	NDMS	8/30/13	4/15/09

Terrence Williams 1:13-cv-12932	NDMS	8/30/13	4/17/07
Clarence Askew 1:13-cv-12933	NDMS	8/30/13	2/4/05
Lorene Armstrong 1:13-cv-12934	NDMS	8/30/13	8/2/10
Marcella Tearson 1:13-cv-12938	NDMS	9/15/13	8/10/06
Darrington Morris 1:13-cv-12942	NDMS	9/5/13	1/3/06
Clinton Young 1:13-cv-12943	NDMS	9/15/13	2/13/06
Ann Cannon 1:13-cv-12945	NDMS	9/17/13	6/1/10
Gladys Brown 1:13-cv-12947	NDMS	8/30/13	8/3/05
Sheila Lovern 1:13-cv-12951	SDMS	9/19/13	10/5/07
William Shelby 1:13-cv-12952	SDMS	9/6/13	5/12/07
Melissa Martin 1:13-cv-12953	SDMS	9/6/13	11/22/05
Rose Bailey 1:13-cv-12954	SDMS	9/6/13	8/3/09
Jimmy Brooks 1:13-cv-12957	SDMS	8/30/13	7/28/09
Patricia Pernell 1:13-cv-12958	SDMS	9/6/13	3/11/07
Minnie Smith 1:13-cv-12975	SDMS	9/9/13	5/30/05
Cynthia Honer Hall 1:13-cv-13157	SDMS	10/24/13	7/25/06
Janice McGhee 1:13-cv-13172	SDMS	10/24/13	6/5/08
Sammie Spencer 1:14-cv-10363	SDMS	9/16/13	9/18/08
Susan Sanders 1:14-cv-10056	DMA (direct)	1/6/14	7/25/09
Debra Clevenger 1:14-cv-10057	DMA (direct)	1/6/14	2/18/10
Diane Dickerson 1:14-cv-10058	DMA (direct)	1/6/14	9/26/08
M. Montgomery 1:14-cv-10586	DMA (direct)	3/7/14	8/18/08

Tommy Harp 1:14-cv-11235	DMA (direct)	3/24/14	5/15/08
Jacqueline Hull 1:14-cv-11246	DMA (direct)	3/24/14	7/24/09
Donisha Jackson 1:14-cv-11339	DMA (direct)	3/25/14	2/10/09
William Smith 1:14-cv-11395	DMA (direct)	3/26/14	11/8/09
Lewis Johnson 1:14-cv-11655	DMA (direct)	4/3/14	10/8/03
Mary Jones 1:14-cv-11657	DMA (direct)	4/3/14	3/14/11
Robert McGhee 1:14-cv-11658	DMA (direct)	4/3/14	2/24/10
Edna Sibley 1:14-cv-11659	DMA (direct)	4/3/14	10/17/05
S. Greenidge 1:14-cv-11660	DMA (direct)	4/3/14	7/12/08
Joann Newson 1:14-cv-11805	DMA (direct)	4/11/14	10/1/08
Margaret Williams 1:14-cv-11849	DMA (direct)	4/15/14	10/24/10
Lela House 1:14-cv-11850	DMA (direct)	4/15/14	9/13/10
Alfreda Johnson 1:14-cv-12097	DMA (direct)	5/12/14	2/22/11
Annette Jefferson 1:14-cv-12225	DMA (direct)	5/20/14	3/14/08
Cephus Cook 1:14-cv-12319	DMA (direct)	5/29/14	3/20/06
Tamika Banks 1:14-cv-12394	DMA (direct)	6/5/14	10/16/09