

United States Court of Appeals For the First Circuit

No. 11-1806

IN RE: NEURONTIN MARKETING AND SALES PRACTICES LITIGATION

HARDEN MANUFACTURING CORPORATION, individually and on behalf of itself and all others similarly situated; ASEA/AFSCME LOCAL 52 HEALTH BENEFITS TRUST; LOUISIANA HEALTH SERVICE INDEMNITY COMPANY, d/b/a Blue Cross Blue Shield of Louisiana,

Plaintiffs, Appellants,

INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL NO. 68 WELFARE FUND, on behalf of itself and all others similarly situated; LORRAINE KOPA, on behalf of herself and all others similarly situated; GERALD SMITH, on behalf of himself and all others similarly situated; JEANNE RAMSEY, on behalf of herself and all others similarly situated; CAROLYN HOLLAWAY, on behalf of herself and all others similarly situated; GARY VARNAM, on behalf of himself and all others similarly situated; JAN FRANK WITYK, on behalf of herself and all others similarly situated,

Plaintiffs,

v.

PFIZER, INC.; WARNER-LAMBERT COMPANY LLC,

Defendants, Appellees.

JUDGMENT

Entered: April 3, 2013

This cause came on to be heard on appeal from the United States District Court for the District of Massachusetts and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The district court's grant of summary judgment in favor of Pfizer, Inc., is reversed as to the Harden plaintiffs' Racketeer Influenced and Corrupt Organizations Act (RICO) claims and vacated as to their New Jersey Consumer Fraud Act (NJCFA) and state common law claims. The district court's denials of the Harden plaintiffs' renewed motion for class certification and motion for

reconsideration are vacated. The case is remanded for further proceedings consistent with the opinion issued day.

By the Court:

/s/ Margaret Carter, Clerk

cc: Hon. Patti B. Saris, Mr. Robert Farrell, Clerk, United States District Court for the District for the District of Massachusetts, Ms. Armstong, Mr. Barrett, Mr. Beisner, Ms. Cabraser, Mr. Cheffo Mr. Dugan, Mr. Greene, Mr. Morrison, Mr. Plymale, Mr. Populis, Mr. Seltz, Mr. Sobol & Mr. Tabb.