

AMBROSE AGBEBAKU and MARY *
GILBERT, Individually, and *
as Parents and Next Friends of *
ALLEN AGBEBAKU, a Minor *

Plaintiffs

v.

SIGMA ALDRICH, INC., et al. *

Defendants

* * * * *

IN THE
CIRCUIT COURT

FOR

BALTIMORE CITY

Case No: 24-C-02-004243*

AMENDED ORDER

*RELATED THIMEROSAL CASE NUMBERS:

24-C-02-004175	24-C-02-004238	24-C-02-004321
24-C-02-004176	24-C-02-004239	24-C-02-004322
24-C-02-004178	24-C-02-004240	24-C-02-004323
24-C-02-004179	24-C-02-004241	24-C-02-004324
24-C-02-004180	24-C-02-004242	24-C-02-004328
24-C-02-004181	24-C-02-004245	24-C-02-004935
24-C-02-004182	24-C-02-004246	24-C-02-005122
24-C-02-004183	24-C-02-004247	24-C-02-005868
24-C-02-004184	24-C-02-004249	24-C-02-005869
24-C-02-004185	24-C-02-004251	24-C-02-005870
24-C-02-004186	24-C-02-004252	24-C-02-005871
24-C-02-004188	24-C-02-004253	24-C-02-005872
24-C-02-004189	24-C-02-004254	24-C-02-005873
24-C-02-004190	24-C-02-004255	24-C-02-005936
24-C-02-004191	24-C-02-004256	24-C-02-007224
24-C-02-004192	24-C-02-004257	24-C-02-007231
24-C-02-004194	24-C-02-004320	24-C-02-007234
		24-C-02-007235

Upon consideration of the preliminary motions filed on behalf of all Defendants, as well as the Plaintiffs' Oppositions filed thereto, and the reply memoranda submitted on behalf of the Defendants, and after oral argument having been held on April 21 - 22, 2003, it is this ____ day of July 2003, by the Circuit Court for Baltimore City hereby ORDERED that, for the reasons stated in this Court's Memorandum Opinion:

1. All claims brought by the parents on behalf of the minor plaintiffs against Aventis Pasteur, Inc., Baxter Healthcare Corporation, Merck & Co., Inc., SmithKline Beecham Corporation d/b/a GlaxoSmithKline and Wyeth f/k/a American Home Products Corporation (collectively the "Vaccine Defendants") and Sigma-Aldrich, Inc., American International Chemical, Inc. Spectrum Laboratory Products, Inc. and Eli Lilly and Company (collectively the "Thimerosal Defendants") and Ortho-Clinical Diagnostics, Inc. and Johnson & Johnson (collectively the "Other Defendants") be, and the same are, hereby **DISMISSED without prejudice** for lack of subject matter jurisdiction pursuant to the National Childhood Vaccine Injury Act, 42 U.S.C. §§ 300 aa-10 et seq.; and it is further ORDERED that:

2. With the exception of Count 11 (Fraud), all claims brought by the parents individually against the Vaccine Defendants, the Thimerosal Defendants and Other Defendants be, and the same are, hereby **DISMISSED with prejudice**; and it is further ORDERED that:

3. All claims brought by the parents individually regarding Count 11 (Fraud) be, and the same are, hereby **STAYED**

pending the outcome of claims brought in the Vaccine Court; and it is further ORDERED that:

4. Defendants' Motion to Dismiss Count 11 (Fraud) be, and the same is, hereby **DENIED**; and it is further ORDERED that:
5. Defendants' Motion to Dismiss Count 13 (Fraud on the Marketplace - Fraudulent Misrepresentation/Fraudulent Concealment) be, and the same is, hereby **GRANTED with prejudice**; and it is further ORDERED that:
6. Defendants' Motion to Dismiss Count 14 (Maryland Consumer Protection Act) be, and the same is, hereby **GRANTED with prejudice**; and it is further ORDERED that:
7. Defendants' Motion to Dismiss Count 16 (Intentional Infliction of Emotional Distress) be, and the same is, hereby **GRANTED with prejudice**; and it is further ORDERED that:
8. Defendant Constellation Energy Group's Motion to Dismiss be, and the same, is hereby **GRANTED**; and it is further ORDERED that:
9. Plaintiffs' Amended Complaint be, and the same is, hereby **DISMISSED with prejudice** as to Defendant Constellation Energy Group; and it is further ORDERED that:
10. Defendant Baltimore Gas & Electric Company's Motion to Dismiss be, and the same is, hereby **GRANTED**; and it is further ORDERED that:

11. Plaintiffs' Amended Complaint be, and the same is, hereby **DISMISSED with prejudice** as to Defendant Baltimore Gas & Electric Company; and it is further ORDERED that:
12. The Clerk shall forward a copy of this Order to all Counsel of Record in this proceeding.

Stuart R. Berger
Judge, Circuit Court for Baltimore City

cc: All Counsel of Record