

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

IN RE:)
AREDIA and ZOMETA PRODUCTS)
LIABILITY LITIGATION) NO. 3:06-MD-1760
) JUDGE CAMPBELL
This Document Relates To Case No.)
3:06-0389 (Fry))

ORDER

Pending before the Court is Defendants' Motion for Summary Judgment Based on Plaintiff's Exposure to Generic Pamidronate (Docket No. 1588), to which no Response has been filed. Failure to file a timely response to a motion indicates there is no opposition thereto. Local Rule 7.01(b). In addition, Plaintiff has failed to respond to Defendant's Statement of Undisputed Facts. Failure to respond to a moving party's statement of material facts indicates that the asserted facts are not disputed for purposes of summary judgment. Local Rule 56.01 (g).

The Court has reviewed Defendant's Motion, Memorandum and Statement of Undisputed Facts and the file. Plaintiff has not disputed that all of the pamidronate infusions which he received were generic pamidronate, not a product manufactured by Defendant.

Accordingly, Defendant's Motion for Summary Judgment (Docket No. 1588) is GRANTED, and all claims of Plaintiff Fry are DISMISSED.

IT IS SO ORDERED.



TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE