

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>CAROLYN M. KIEFFABER,</b>	)	
	)	
	)	
<b>Plaintiff,</b>	)	<b>CIVIL ACTION</b>
	)	
v.	)	<b>No. 20-1177-KHV</b>
	)	
<b>ETHICON, INC. and</b>	)	
<b>JOHNSON &amp; JOHNSON,</b>	)	
	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**MEMORANDUM AND ORDER**

This matter comes before the Court on Plaintiff’s Motion In Limine To Exclude Evidence Relating To The United States Food And Drug Administration (“FDA”) Or Its Processes (Doc. #203) filed March 8, 2021.<sup>1</sup>

Plaintiff seeks a Court order precluding argument, evidence or testimony about 510(k) clearance or compliance with any FDA regulations, on grounds of relevance, unfair prejudice, waste of time, undue delay and misleading and confusing of jurors. Defendants acknowledge that the MDL Court previously excluded all FDA evidence from prior pelvic mesh trials, but they disagree with those rulings and object “for the sole purpose of preserving their objections for appeal.”

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<sup>1</sup> To expedite a ruling on this motion, the Court is communicating the reasons for its decision without attempting to draft a legal treatise or cite relevant case law. The law in this area is clear and the Court has taken into account the authorities which are cited in the parties’ briefs, along with other authorities. If necessary for future proceedings, the Court may supplement this order with additional findings of fact or legal citations.

For substantially the reasons stated in her supporting brief, the Court finds that plaintiff's motion should be sustained.

**IT IS THEREFORE ORDERED** that Plaintiff's Motion In Limine To Exclude Evidence Relating To The United States Food And Drug Administration ("FDA") Or Its Processes (Doc. #203) filed March 8, 2021, be and hereby is **SUSTAINED**.

Dated this 26th day of March, 2021 at Kansas City, Kansas.

s/ Kathryn H. Vratil  
KATHRYN H. VRATIL  
United States District Judge