

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

August 22, 2011

No. 08-31204

Lyle W. Cayce
Clerk

JULIE DEMAHY

Plaintiff–Appellee

v.

ACTAVIS, INC., Individually and as Successor in Interest of Purepac
Pharmaceutical Company

Defendant–Appellant

Appeal from the United States District Court
for the Eastern District of Louisiana

ON REMAND FROM THE SUPREME COURT
OF THE UNITED STATES

Before KING, HIGGINBOTHAM, and CLEMENT, Circuit Judges.

PER CURIAM:

The Supreme Court having reversed the judgment of this Court and remanded this action for further proceedings in light of its opinion in *PLIVA, Inc. v. Mensing*, 131 S. Ct. 2567 (2011), we vacate the district court’s order denying in part the motion to dismiss and remand for the entry of judgment in favor of the defendant–appellant, Actavis, Inc.

VACATED and REMANDED