

COMMONWEALTH OF KENTUCKY  
MADISON COUNTY CIRCUIT COURT  
DIVISION NO. II  
CIVIL ACTION NO. 18-CI-00381

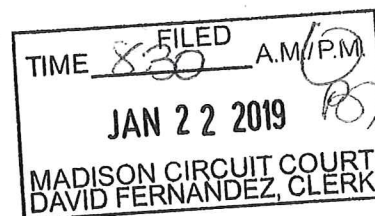
COMMONWEALTH OF KENTUCKY, *ex rel.*,  
ANDY BESHEAR, ATTORNEY GENERAL,

Plaintiff.

v.

MALLINCKRODT PLC; MALLINCKRODT  
LLC, SPECGX LLC,

Defendants.



**ORDER DENYING MOTIONS TO DISMISS**

This matter is before the Court on a motion by Defendants, Mallinckrodt LLC and SpecGx LLC, to dismiss the Commonwealth's Complaint for failure to state a claim, and on a motion by Defendant Mallinckrodt plc to dismiss the Commonwealth's Complaint for lack of personal jurisdiction and insufficient process. The Court, having reviewed the parties' briefs and conducted a hearing on the matter, hereby rules as follows:

With regard to the Motion to Dismiss for Failure to State A Claim, the Court finds that all counts are sufficiently pled. With regard to each count, the Court finds:

As to Count I, Deceptive Acts and Practices in Violation of Kentucky Consumer Protection Act, and Count II, Restoration of Property due to Violations of Kentucky Consumer Protection Act, the motion is denied. The claims are sufficiently pled under CR 8.01. CR 9.02 does not apply to these claims.

As to Count III, Violations of Kentucky Medicaid Fraud Statute, and Count IV, Violations of Kentucky Assistance Program Fraud Statute, the motion is denied.

As to Count V, Continuing Public Nuisance, the motion is denied. The claim is sufficiently pled pursuant to CR 8.01.

As to Count VI, Fraud, the claim is pled with sufficient particularity under CR 9.02. The motion is denied.

As to Count VII, Unjust Enrichment, the motion is denied. The claims are sufficiently pled under CR 8.01. CR 9.02 does not apply.

As to Count VIII, Negligence, and Count IX, Negligence per se, the motion is denied.

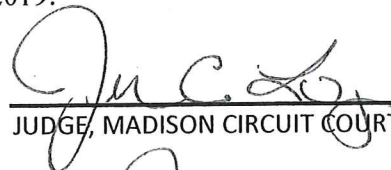
As to Count X, punitive damages, is sufficiently pled and the motion is denied.

With regard to the Motion to Dismiss by Mallinckrodt plc for Lack of Personal Jurisdiction and Insufficient Process, the Court denies the motion without prejudice. Prior to further proceedings against this defendant, the parties are directed to conduct limited discovery regarding the jurisdictional issues raised in the motion and to meet and confer regarding the scope of such discovery. The parties can schedule a hearing with this Court if they are unable to reach an agreement regarding the scope of jurisdictional discovery.

Defendants Mallinckrodt LLC and SpecGx LLC shall have 30 days from the date of entry of the order to answer or otherwise plead.

**IT IS SO ORDERED.**

ENTERED this 22 day of January \_\_, 2019.

  
\_\_\_\_\_  
JUDGE, MADISON CIRCUIT COURT

DATE: Jan 22, 2019

## HAVE SEEN:

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