IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

WENDY B. DOLIN, Individually and as Independent Executor of the ESTATE OF STEWART DOLIN, Deceased, Plaintiff, v. SMITHKLINEBEECHAM CORPORATION D/B/A GLAXOSMITHKLINE, a Pennsylvania Corporation, Defendant.	)	Case No. 1:12-cv-06403 Judge William T. Hart

DEFENDANT GLAXOSMITHKLINE LLC'S OPPOSITION TO PLAINTIFF'S MOTION FOR RELIEF FROM JUDGMENT PURSUANT TO FED. R. CIV. P. 60(B)

A final judgment means what the term implies: the case is over. Federal Rule of Civil Procedure 60(b)(6) establishes an exceedingly narrow exception to that rule, by authorizing courts to reopen final judgments in exceptionally rare cases. As the Supreme Court and Seventh Circuit have repeatedly held, intervening changes in law alone do not qualify. *See, e.g.*, *Gonzalez v. Crosby*, 545 U.S. 524, 535 (2005); *Ramirez v. United States*, 799 F.3d 845, 850 (7th Cir. 2015). Rather, Rule 60(b)(6) authorizes reopening of a final judgment only if the law changes in a way that impugns the validity of that judgment and the case presents "extraordinary circumstances" that outweigh the high price of scuttling finality. *Gonzalez*, 545 U.S. at 535; *see Buck v. Davis*, 137 S. Ct. 759, 777, 779-80 (2017); *Nash v. Hepp*, 740 F.3d 1075, 1078 (7th Cir. 2014). A "very strict interpretation of Rule 60(b) is essential if the finality of judgments is to be preserved." *Gonzalez*, 545 U.S. at 535 (quoting *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 873 (1988)). No sound judicial system could exist otherwise.

Under that standard, Plaintiff's Rule 60(b) motion faces several insuperable obstacles. That motion rests on the Supreme Court's recent decision in *Merck Sharp & Dohme Corp. v. Albrecht*, 139 S. Ct. 1668 (2019), which Plaintiff portrays as articulating a new, higher standard for impossibility preemption that casts doubt on the Seventh Circuit's preemption ruling in *Dolin v. GlaxoSmithKline LLC*, 901 F.3d 803 (7th Cir. 2018) *(Dolin*) and somehow warrants reinstatement of the vacated jury verdict in Plaintiff's favor. Plaintiff conspicuously omits, however, that her petition for writ of certiorari (Ex. A) and the supplemental motion she filed in the Supreme Court immediately after *Albrecht* (Ex. D) unsuccessfully urged the Court to vacate and remand the Seventh Circuit's decision on that same basis. The Supreme Court's refusal to grant, vacate, and remand *Dolin* in light of *Albrecht* necessarily reflects that the Court either did not consider *Albrecht* reasonably likely to affect the outcome in *Dolin*, or that the equities weighed against further litigation. This Court cannot grant Rule 60(b)(6) relief without effectively second-guessing those conclusions and impermissibly defying the Supreme Court's role as the final arbiter of federal questions. Plaintiff tellingly cites no case granting a District Court the authority to re-open a case for a party after the very same arguments failed to convince the Supreme Court either to take the case or to vacate the appellate court's judgment.

Even if this Court could approach Plaintiff's Rule 60(b)(6) motion *de novo*, it would manifestly fail. An intervening change in law, by definition, must actually change the legal landscape in some way that casts doubt upon the challenged judgment. The Supreme Court itself, however, repeatedly described *Albrecht* as merely clarifying and restating the same principles of preemption the Court has long applied. Even if the legal principles that *Albrecht* articulated were somehow novel, the Seventh Circuit's *Dolin* decision followed them. Plaintiff's

quarrel is with how the Seventh Circuit applied those principles to the facts of this case. Those arguments remain just as barred by circuit precedent after *Albrecht* as they were beforehand.

Further, even if *Albrecht* somehow qualified as an intervening change of law (and it does not), a mountain of precedent would still bar Rule 60(b) relief. As Plaintiff acknowledges (at 4), intervening changes in law alone do not warrant the drastic step of reopening a final judgment. Something more—something "extraordinary"—is required. Yet the only additional ingredients Plaintiff appears to consider necessary are for movants to have litigated the relevant legal issue throughout the case and to file a Rule 60(b) motion soon after the intervening legal change occurs. *See* Pltf's Mot. at 4-6. No court has accepted the absurd notion that ordinary diligence in litigation counts as extraordinary circumstances. Adopting Plaintiff's watered-down version of Rule 60(b)(6) would open the floodgates and allow litigants to reopen final judgments in the mine run of cases.

Finally, even if Plaintiff's motion were not legally frivolous, Plaintiff's proposed remedy would be. Plaintiff not only asks this Court to vacate the Seventh Circuit's judgment in *Dolin*, but also to reinstate the very judgment that the Seventh Circuit vacated. Plaintiff thus effectively asks this Court to overturn the decision of a higher court. This Court should deny Plaintiff's motion and award GSK attorneys' fees and costs for responding to it.

I. THIS COURT SHOULD NOT SECOND-GUESS THE SUPREME COURT'S CONCLUSION THAT *ALBRECHT* DOES NOT WARRANT DISTURBING THE SEVENTH CIRCUIT'S JUDGMENT

The Supreme Court already considered and rejected Plaintiff's contention that *Albrecht* warrants vacating the Seventh Circuit's judgment and opening up a new front of litigation. That should have ended the matter. This Court has no power to second-guess the Supreme Court—which is perhaps why Plaintiff fails to mention her request that the Supreme Court grant, vacate,

and remand *Dolin* in light of *Albrecht*, or that her Rule 60(b) motion cuts and pastes large swaths of her unsuccessful Supreme Court filings verbatim.

Starting with Plaintiff's December 2018 petition for writ of certiorari, Plaintiff's Supreme Court filings repeatedly urged the Court to grant review in her case, vacate the Seventh Circuit's judgment, and remand the case for further analysis in light of how the Court resolved *Albrecht*. Pltf's Pet. for Writ of Cert., Ex. A, at 1; *see also* Pltf's Reply, Ex. C, at 8-9.[1] Rather than distributing Plaintiff's petition for consideration under the ordinary timetable, the Court delayed consideration of Plaintiff's petition until after it issued *Albrecht*. *See* S. Ct. Dkt., No. 18-803, *Dolin v. GlaxoSmithKline, LLC*. That move reflected the Court's common practice when it seeks to evaluate how a pending case might affect a pending petition. *See* E. Gressman, K. Geller, S. Shapiro, T. Bishop, & E. Hartnett, Supreme Court Practice 346 (10th ed. 2013). Immediately after *Albrecht* issued, Plaintiff re-upped her request for a grant, vacatur, and remand in light of *Albrecht*. Plaintiff contended that "under the newly elucidated *Albrecht* standard, GSK has not met its burden of establishing clear evidence of an *irreconcilable* conflict between state and federal law" and that *Albrecht* threw the correctness of the Seventh Circuit's judgment into doubt. Pl.'s Supp. Br. at 3, Ex. E; *see id.* at 1-2, 4-5.

The Supreme Court rejected Plaintiff's request, instead denying Plaintiff's petition outright. That rejection is highly notable. The Court routinely grants, vacates, and remands (or "GVRs") cases that it has held for a related, pending case where the Court's decision could make a difference in the case. To determine whether a GVR is appropriate, the Court considers whether "intervening developments . . . reveal a reasonable probability that the decision below rests upon a premise that the lower court would reject if given the opportunity for further

[1] GSK attaches its brief in opposition as Ex. B, and its supplemental brief in opposition as Ex. D.

consideration, and where it appears that such a redetermination may determine the ultimate outcome of the litigation." *Lawrence v. Chater*, 516 U.S. 163, 167 (1996) (per curiam). Once that threshold is met, "[w]hether a GVR order is ultimately appropriate depends further on the equities of the case," such as whether "the delay and further cost entailed in a remand are not justified by the potential benefits of further consideration by the lower court." *Id.* at 167-68 (1996) (per curiam); *see also Stutson v. United States*, 516 U.S. 193, 194 (1996) (describing these factors as "the considerations that properly influence this Court in deciding whether to grant a petition for certiorari, vacate the decision below, and remand the case . . . for further consideration"); *Wellons v. Hall*, 558 U.S. 220, 225 (2010) (per curiam) (similar). Thus, the Court granted, vacated, and remanded dozens of cases on this very basis last Term.

The Court's refusal to grant, vacate, and remand *Dolin*—despite Plaintiff's repeated pleas to the contrary—thus signals that the Court applied its GVR criteria to *Dolin* and found it wanting. Either the Court did not believe there was a "reasonable probability" that *Albrecht* would affect the outcome if the Seventh Circuit reconsidered *Dolin*, or the Court concluded that the equities weighed against having the Seventh Circuit reassess *Dolin*. *See Lawrence*, 516 U.S. at 167-68.[2] Significantly, not one of the cases cited in Plaintiff's motion allows Rule 60(b) to be twisted in such a way to allow for extraordinary relief in this situation. District courts lack the authority to countermand the Supreme Court's decision, and any other rule would render the appellate process meaningless.

[2] To be sure, a decision to grant, vacate, and remand is not a decision on the merits, just as the denial of a petition for writ of certiorari expresses no view of the merits. *See, e.g.*, *Kenemore v. Roy*, 690 F.3d 639, 641-42 (5th Cir. 2012). But the Court's decision not to grant, vacate, and remand a case that was held for another pending decision nonetheless reflects a conclusion that the Court reached after applying its stated standards for assessing such requests, thereby raising clear inferences as to its necessary reasoning.

Plaintiff's Rule 60(b) motion to this Court now rehashes the same arguments about *Albrecht* that she unsuccessfully made to the Supreme Court. She again contends that *Albrecht* heightened the governing standard for impossibility preemption, thereby calling into question the standard the Seventh Circuit employed to conclude that federal law preempted Plaintiff's state-law claims because it prevented GSK from changing Paxil's labeling.[3] But given the Supreme Court's inescapable conclusion that *Albrecht* was either unlikely to affect the Seventh Circuit's judgment or that vacating *Dolin* was otherwise inequitable, there is no room for this District Court to disagree. The Supreme Court's criteria for granting, vacating, and remanding judgments, after all, are less stringent versions of the Rule 60(b)(6) criteria this Court must employ. The Supreme Court is not only the final word in the federal judiciary; it is plainly the best positioned to assess how its own newly-issued decision affects other judgments. If that Court saw no basis for granting, vacating, and remanding *Dolin* in light of *Albrecht*, it would be grossly improper for this Court to effectively undo that determination through Rule 60(b)(6).

II. PLAINTIFF IN ANY EVENT FAILS TO SATISFY RULE 60(B)(6)

A. *Albrecht* Is Not an Intervening Change in Law

Plaintiff's characterization of *Albrecht* as an intervening change of law also fails on its own terms. As an initial matter, *Albrecht* "intervened" while Plaintiff's petition was pending before the Supreme Court, and before the Supreme Court decided to deny Plaintiff's petition and request for a GVR in light of *Albrecht*. Again, Plaintiff cites no case suggesting that *Albrecht* counts as an intervening development, let alone one that authorizes a District Court to re-open a case or reinstate a verdict for a party when this occurs.

[3] *See* Ex. F, which reflects a chart comparing verbatim passages of Plaintiff's arguments from her supplemental brief in support of certiorari with the mirror arguments she recycles here.

Further, as the name suggests, an intervening change of law means a clear change from the law that the challenged judgment applied. *See, e.g., Norgaard v. DePuy Orthopaedics*, Inc., 121 F.3d 1074, 1076–78 (7th Cir. 1997) (treating a clear change in law as necessary but not sufficient to warrant reopening); *accord Nash*, 740 F.3d at 1079 (looking to whether new decisions not only changed the law but did so in a way that would "call the district court's judgment into question"); *Ritter v. Smith*, 811 F.2d 1398, 1401 (11th Cir. 1987) (describing cases establishing the general rule that "a clear-cut change in the law" is a necessary prerequisite to Rule 60(b)(6) relief); *Phelps v. Alameida*, 569 F.3d 1120, 1135-36, 1139 (9th Cir. 2009) (similar); *Salazar v. Dist. of Columbia*, 729 F. Supp. 2d 257, 263–68 (D.D.C. 2010) (a Supreme Court decision that merely "clarified the standard to be applied in determining the existence of a private right of action . . . does not represent a significant change in the law" under 60(b)); *A Pty Ltd. v. Homeaway, Inc.*, No. 1:15-cv-158 RP, 2016 WL 4218385, at *4–5 (W.D. Tex. Aug. 9, 2016) ("Case law that simply clarifies and elaborates on existing law is not the type of change in law that federal courts of appeal have suggested might warrant Rule 60(b)(6) relief.").

Albrecht falls woefully short of that standard, and changed none of the legal standards that the Seventh Circuit applied in *Dolin*. In *Albrecht*, the Supreme Court held that the issue whether FDA would have rejected a manufacturer's proposed warning is a question of law for judges, not a question of fact for juries. 139 S. Ct. 1668, 1676 (2019). The Seventh Circuit in *Dolin*, however, expressly found that question irrelevant to its analysis, explaining that it "need not determine" that issue because the outcome would have been the same under either test, as "no reasonable jury could find that the FDA would have approved an adult-suicidality warning for Paxil under the [relevant] regulation." 901 F.3d at 813. The Supreme Court's resolution of that question thus could not possibly affect the validity of the Seventh Circuit's judgment.

Albrecht also held that federal law preempts state-law claims where the manufacturer establishes (1) "that it fully informed the FDA of the justifications for the warning required by state law" and (2) "the FDA, in turn, informed the drug manufacturer that the FDA would not approve changing the drug's label to include that warning." 139 S. Ct. at 1672. As the Supreme Court repeatedly emphasized, these holdings broke no new ground. Instead, the Court merely "elaborate[d]" the "requirements" it had previously articulated in *Wyeth v. Levine*, 555 U.S. 555 (2009), which "flow from [the Court's] precedents on impossibility pre-emption and the statutory and regulatory scheme that [the Court] reviewed in *Wyeth*." 139 S. Ct. at 1678. In sum, by the Supreme Court's own account, *Albrecht* changed no law—so Plaintiff cannot invoke it to claim Rule 60(b)(6) relief based on a putative intervening change in law. Indeed, Plaintiff's brief (at 1, 5, 6) intermittently acknowledges that *Albrecht* was at best a clarification.

Even if *Albrecht*'s recitation of the preemption framework somehow reflected an unwitting change in the rules of preemption, the Seventh Circuit applied the same legal principles that *Albrecht* dictates. First, *Dolin* held that there was no factual dispute that GSK fully informed the FDA of the justifications for an adult-suicidality warning based on a careful analysis of all of GSK's submissions. 901 F.3d at 815-16. The Seventh Circuit thus recited and applied virtually verbatim the standard that Plaintiff says that *Albrecht* articulated.

Plaintiff now argues that "the trial record demonstrates that GSK *did not fully inform* the FDA" of all relevant data because it purportedly intentionally withheld or chose not to collect certain information. Pltf's Mot. at 11-12. But here again, Plaintiff's argument is a frivolous quibble with how the Seventh Circuit applied the law to the facts of this case, not to any legal standard. The Seventh Circuit considered and expressly rejected this contention because "the undisputed evidence shows that the FDA was aware of the nature of the data it received from

GSK." *Dolin*, 901 F.3d at 815. Rule 60(b)(6) does not allow movants to upend final judgments just to repeatedly relitigate arguments that would remain just as foreclosed by Seventh Circuit precedent after *Albrecht* as they were pre-*Albrecht*.

Second, the Seventh Circuit held that FDA had clearly rejected GSK's proposed Paxil warning label because "GSK has provided undisputed evidence that the FDA rejected any adult-suicidality warning in 2007 when the agency required [manufacturers] to adopt the same class-wide warnings" across similar products. *Id.* at 813. Plaintiff (at 12) contends that this holding would not survive *Albrecht* because FDA's rejection was not clear enough given its subsequent invitation to GSK to submit its Paxil warning in a separate supplement. But all *Albrecht* says is that FDA must inform the drug manufacturer that it is rejecting the proposed label—the same legal standard that the Seventh Circuit repeated at length throughout its opinion. *See, e.g.*, 901 F.3d at 812 (requiring "*clear evidence* the FDA would have rejected the proposed change in the drug's label," and holding that GSK cleared that standard); *id.* at 814 (describing "clear evidence that, as of 2007, the FDA rejected" the proposed Paxil label change); *id.* at 816 (similar). Plaintiff continues to disagree whether the record evidence is sufficiently indicative of a rejection. But that is again a quibble with the Seventh Circuit's application of the relevant legal standard to this case. Nothing in *Albrecht* remotely suggests that FDA has not "informed the drug manufacturer that the FDA would not approve changing the drug's label," Pltf's Mot. at 11, where FDA directed GSK to use the warning-less label that FDA devised instead of the label with the warning that GSK proposed. *See Dolin*, 901 F.3d at 813-15. Nor does *Albrecht* in any way indicate why FDA would not be rejecting alternative warnings when it instructed GSK that failing to adopt FDA's class-wide warning could render Paxil misbranded.

Finally, Plaintiff (at 7, 12-13) asserts that *Albrecht* "for the first time in a pharmaceutical products liability context held that" only FDA actions taken pursuant to congressionally delegated authority have preemptive effect. Thus, Plaintiff asserts (at 12-13) that *Albrecht* establishes that *Dolin* was wrong to purportedly rely in large part on FDA's informal e-mails to GSK. But the proposition that only valid, legally binding federal agency actions have preemptive effect is hardly novel, let alone an intervening change in law. As *Albrecht* explained, the Court was simply stating the "obvious" black-letter principle that only actual federal law can preempt state law, which is why *Albrecht*'s primary cite for this proposition was the Constitution's Supremacy Clause and its subsidiary support came from the 2002 decision *New York v. FERC*, 535 U.S. 1, 18 (2002). *See* 139 S. Ct. at 1679. The notion that pharmaceutical products liability cases somehow enjoyed an extra-constitutional exception to this foundational principle until *Albrecht* arrived to change the law defies credulity.

Regardless, the Seventh Circuit hewed to this longstanding rule. Far from relying primarily on informal FDA e-mails, *Dolin* stressed that the "action that is central to GSK's preemption defense" was FDA's order that manufacturers all rely on the same warning, 901 F.3d at 809. FDA issued that order pursuant to 21 C.F.R. § 314.70(c)(6)-(7), and thus pursuant to clearly delegated congressional authority. Not only that, FDA underscored that this order had the force and effect of law by, for instance, warning GSK that failing to comply could render Paxil misbranded.[4] That is entirely consistent with *Albrecht*, which explicitly declined to rule on

[4] Plaintiff further contends (at 13-14) that any FDA action prohibiting GSK from changing its label to disclose purportedly truthful information about Paxil's risks would lack force and effect of law by contravening the First Amendment. That argument is absurd on its face. It does not reflect the law anywhere, let alone an intervening change of law from *Albrecht*, and would call much of the Food, Drug, and Cosmetic Act into question.

what "method" of disapproval FDA must employ to reject a proposed labeling change—except to make "the obvious point that . . . those means must lie within the scope of the authority Congress has lawfully delegated." 139 S. Ct. at 1679.

B. No Extraordinary Circumstances Warrant Relief

Even if Plaintiff could establish that *Albrecht* worked an intervening change in the law, Plaintiff still would not satisfy Rule 60(b)(6)'s exceedingly high bar for relief. As the Supreme Court and Seventh Circuit have repeatedly held, a "'movant seeking relief under Rule 60(b)(6) [must] show extraordinary circumstances justifying the reopening of a final judgment,'" and "[a] change in law alone will not suffice for this purpose." *Ramirez*, 799 F.3d at 850 (quoting *Gonzalez*, 545 U.S. at 535-36).[5] But the only extraordinary circumstance this case presents is the unprecedented notion that a trial court could somehow reopen an appellate judgment based on an ensuing Supreme Court precedent where the Supreme Court already disagreed that further litigation was appropriate.

Plaintiff nonetheless contends (at 5-6) that her motion presents extraordinary circumstances because she filed her Rule 60(b)(6) motion shortly after *Albrecht* issued, and she sought further review of the Seventh Circuit's decision. But those acts reflect basic diligence, not something extraordinary, and Plaintiff was still dilatory in one notable respect. Plaintiff failed to ask the Seventh Circuit to stay the issuance of its mandate pending the Supreme Court's disposition of her petition for writ of certiorari, even though Federal Rule of Appellate Procedure 41(d) expressly allows for such requests. In other words, Plaintiff knew that *Albrecht* was

[5] *See also Nash*, 740 F.3d at 1078 ("[A] change in law showing that a previous judgment may have been incorrect is not an extraordinary circumstance justifying relief under Rule 60(b)(6).") (quotation marks omitted); *Hill v. Rios*, 722 F.3d 937, 938 (7th Cir. 2013) ("Rule 60(b) cannot be used to reopen the judgment in a civil case just because later authority shows that the judgment may have been incorrect.").

pending and argued strenuously that it could affect *Dolin*, yet failed to take a basic step that could have prevented the issuance of the Seventh Circuit's mandate in *Dolin* pending the disposition of her petition to the Supreme Court.

Further, Plaintiff contends that this case is extraordinary because she could obtain relief on the merits of her claim (at least based on the jury verdict—a verdict the Seventh Circuit then vacated). That too is dubious given that the Seventh Circuit reserved whether that jury verdict should have been vacated on other grounds beyond preemption. *See* 901 F.3d at 816.

There is reason to doubt that Plaintiff's self-selected criteria are even the right ones for gauging extraordinary circumstances. Courts have avoided hard and fast rules for identifying what distinguishes the extraordinary case. *See Ramirez*, 799 F.3d at 851; *see also Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 863-64 (1988). But, whatever the relevant factors, the Supreme Court has made clear that extraordinary circumstances must be rare indeed. *See Gonzalez*, 545 U.S. at 535; *Ramirez*, 799 F.3d at 851; *Norgaard*, 121 F.3d at 1076-78. Yet Plaintiff's approach would open up a limitless exception to the finality of judgments and the stability of the rule of law. Plaintiff's position appears to be that Rule 60(b)(6) rewards anyone who proceeds with ordinary diligence and has a shot at winning their claim on the merits—which is to say, a significant majority of litigants affected by any intervening legal development. No court has embraced that theory in any remotely analogous context. Doing so would allow potentially thousands of plaintiffs in cases like Dolin's to vacate judgments that could be anywhere from months to decades old. Potentially thousands of defendants could likewise reopen judgments against them and dissolve any monetary or equitable constraints they faced. "If new developments of this kind permitted revisiting of old judgments, finality would be impossible to achieve. Courts also would find it hard to handle new cases, if they could never

deem the old ones closed." *Norgaard*, 121 F.3d at 1077. Finality would be replaced with endless re-litigation, compromising the stability of the legal system.

III. REINSTATEMENT OF THE DISTRICT COURT'S JUDGMENT IS IMPROPER

Finally, Plaintiff's proposed remedy—that this Court not only vacate the Seventh Circuit's judgment in *Dolin*, but also reinstate the vacated judgment in Plaintiff's favor—is lawless. By vacating that judgment, the Seventh Circuit rendered it a legal nullity. Reinstating that judgment would effectively overrule the Seventh Circuit. For instance, such action would deprive that Court of the opportunity to first determine whether it would have reached the same bottom line on grounds other than preemption. This topsy-turvy approach is at odds with the bedrock notion that district courts cannot overrule appellate decisions. *See Agostini v. Felton*, 521 U.S. 203, 208–09, 237–38 (1997) (holding that the district court correctly denied a Rule 60(b) motion where the movant argued that recent changes in the Supreme Court's Establishment Clause jurisprudence required relief from an injunction); *Santos v. United States*, 461 F.3d 886, 891 (7th Cir. 2006) (providing that only a decision from a higher court or a statutory change can overrule circuit precedent). This is yet another reason why Plaintiff's motion should be denied.

* * *

Plaintiff's motion asserts frivolous arguments that this Court could adopt only by defying the Supreme Court and the Seventh Circuit. It is so devoid of colorable legal arguments as to warrant the award to GSK of reasonable fees and costs in opposing it. *See, e.g.*, *Merit Ins. Co. v. Leatherby Ins. Co.*, 737 F.2d 580, 581-82 (7th Cir. 1984) (dismissing "frivolous" appeal from denial of motion to vacate judgment and awarding attorney fees to appellee).

CONCLUSION

For the foregoing reasons, GSK respectfully requests that this Court deny Plaintiff's Motion, and award GSK its fees and costs in opposing it.

Dated: July 8, 2019

Respectfully submitted,
By: /s/ Andrew T. Bayman

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CERTIFICATE OF SERVICE

It is hereby certified that on July 8, 2019, I have served a copy of the foregoing **DEFENDANT GLAXOSMITHKLINE LLC'S OPPOSITION TO PLAINTIFF'S MOTION FOR RELIEF FROM JUDGMENT PURSUANT TO FED. R. CIV. P. 60(B)** on the following counsel via the Court's electronic filing system:

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