UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA

Darren Dowell v. Takeda Pharmaceuticals America, Inc. et al.

Dowell · No. 26-65 · Decided March 24, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana granted defendants' motion to dismiss claims arising from alleged injuries caused by proton pump inhibitors. The court held that the complaint insufficiently pleaded claims under the Louisiana Products Liability Act, but granted the plaintiff 20 days to amend and ordered that failure to amend would result in dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Jane Triche Milazzo
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	March 24, 2026
DOCKET	26-65
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Plaintiff's product-liability claims for failure to state a claim. Plaintiff did not oppose the motion. The court granted the motion but allowed Plaintiff 20 days to amend.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and draws reasonable inferences in the plaintiff's favor, but disregards legal conclusions couched as factual allegations. The complaint must contain sufficient factual matter to state a claim that is plausible on its face.
PRECEDENTIAL VALUE	Unknown; district court order
PARTIES	Darren Dowell v. Takeda Pharmaceuticals America, Inc., Pfizer Inc., Wyeth, LLC, Perrigo Company

TOPICS

motions to dismiss | products liability | pleadings | civil procedure

PRACTICE AREAS

civil procedure | products liability | pharmaceutical liability | health law

QUESTIONS PRESENTED

1. Whether the complaint plausibly stated a claim under the Louisiana Products Liability Act.
2. Whether the complaint adequately alleged a construction or composition defect.
3. Whether the complaint adequately alleged a design defect.
4. Whether the complaint adequately alleged a failure-to-warn defect.
5. Whether the complaint adequately alleged nonconformity to an express warranty.
6. Whether Plaintiff should be allowed to amend the deficient complaint.

HOLDINGS

1. The Louisiana Products Liability Act establishes the exclusive theories of liability for manufacturers for damage caused by their products; Plaintiff's claims therefore had to satisfy one of the theories recognized by the Act.
2. Plaintiff failed to state a construction or composition defect claim because he alleged only that the proton pump inhibitors were defective and unreasonably dangerous, without identifying a specific defect or a causal connection between a manufacturing-process failure and the injury.
3. Plaintiff failed to state a design-defect claim because the complaint did not allege an alternative design capable of preventing the claimed injury or that the danger and gravity of the injury outweighed the adverse effects on utility and the burden of adopting the alternative design.
4. Plaintiff failed to state a failure-to-warn claim because he did not identify the potentially damage-causing characteristic of the proton pump inhibitors or provide facts concerning the characteristic's cause, frequency, severity, or consequences.
5. Plaintiff failed to state an express-warranty claim because he did not identify any express warranty made by Defendants or allege that he used the product because of such a warranty, that the product failed to conform to it, and that the resulting damage was proximately caused by the untrue warranty.
6. Plaintiff was granted 20 days to amend the complaint to remedy the identified deficiencies, and failure to amend would result in dismissal without prejudice.

KEY QUOTATIONS

> *"To survive a Rule 12(b)(6) motion to dismiss, a plaintiff must plead enough facts "to state a claim for relief that is plausible on its face.""* (at 2)

> *"The Louisiana Products Liability Act ("LPLA") "establishes the exclusive theories of liability for manufacturers for damage caused by their products. A claimant may not recover from a manufacturer for*

> *damage caused by a product on the basis of any theory of liability that is not set forth in [the LPLA].””* (at 2-3)

> *“Accordingly, the Court grants Plaintiff leave to amend his Complaint to attempt to remedy the deficiencies identified herein.”* (at 6)

FACTUAL BACKGROUND

Plaintiff alleged that he used proton pump inhibitors, including products such as Prilosec, Nexium, Prevacid, and Protomix, beginning in 2006. He alleged that he was diagnosed with squamous cell and adenocarcinoma cancers of the esophagus and stomach in 2024 and that his use of the medications caused those cancers. The complaint alleged generally that Defendants' products were defective, unreasonably dangerous, and inadequately warned, but did not identify the specific medication, dosage, duration, prescriber, manufacturer, dangerous characteristic, alternative design, or express warranty.

PROCEDURAL HISTORY

Darren Dowell filed a products-liability action against manufacturers and suppliers of proton pump inhibitors. Takeda Pharmaceuticals America, Inc., Pfizer Inc., Wyeth, LLC, and Perrigo Company moved to dismiss, asserting that the complaint contained insufficient factual allegations. The court independently considered the motion despite Plaintiff's failure to oppose it, granted dismissal of the deficient claims, and granted leave to amend; failure to amend would result in dismissal without prejudice.

DISPOSITION

other

CASES CITED

- Servicios Azucareros de Venezuela, C.A. v. John Deere Thibodeaux, Inc., 702 F.3d 794, 806 (5th Cir. 2012)
- Johnson v. Pettiford, 442 F.3d 917, 918 (5th Cir. 2006) (per curiam)
- John v. State of Louisiana (Bd. of Trs. for State Colls. and Univs.), 757 F.2d 698, 709 (5th Cir. 1985)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 547 (2007)
- Lormand v. U.S. Unwired, Inc., 565 F.3d 228, 232 (5th Cir. 2009)
- Lormand v. U.S. Unwired, Inc., 565 F.3d 228, 255-57 (5th Cir. 2009)
- Collins v. Morgan Stanley Dean Witter, 224 F.3d 496, 498 (5th Cir. 2000)
- Stahl v. Novartis Pharm. Corp., 283 F.3d 254, 260-61 (5th Cir. 2002)
- Flagg v. Stryker Corp., 647 F. App'x 314, 316 (5th Cir. 2016)
- Funk v. Stryker Corp., 631 F.3d 777, 782 (5th Cir. 2011)
- Stahl v. Novartis Pharm. Corp., 283 F.3d 254, 264 (5th Cir. 2002)
- Caboni v. Gen. Motors Corp., 278 F.3d 448, 452 (5th Cir. 2002)
- Guidry v. Janssen Pharms., Inc., 206 F. Supp. 3d 1187, 1199 (E.D. La. 2016)

- Pellegrin v. C.R. Bard, No. CV 17-12473, 2018 WL 3046570, at *5 (E.D. La. June 20, 2018)
- Buc-ee's, Ltd. v. Bucks, Inc., 262 F. Supp. 3d 453, 467 (S.D. Tex. 2017)
- Great Plains Trust Co. v. Morgan Stanley Dean Witter & Co., 313 F.3d 305, 329 (5th Cir. 2002)

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