



IN THE SUPREME COURT OF ALABAMA

January 27, 2022

1210140

Mark Blackburn v. Shire U.S., Inc., and Shire, LLC (Certified Question from the United States Court of Appeals for the Eleventh Circuit: 20-12258, District Court: 2:16-CV-00963-MHH).

ORDER

The Certified Questions from the United States Court of Appeals for the Eleventh Circuit filed on November 30, 2021, having been submitted to this Court,

IT IS ORDERED that this Court CONSENTS TO ANSWER the following Certified Questions—

1. Consistent with the learned intermediary doctrine, may a pharmaceutical company's duty to warn include a duty to provide instructions about how to mitigate warned-of risks?
2. May a plaintiff establish that a failure to warn caused his injuries by showing that his doctor would have adopted a different course of testing or mitigation, even though he would have prescribed the same drug?

IT IS FURTHER ORDERED as follows:

1. that Appellant shall file with the Clerk of this Court an original and nine (9) copies of his brief on the questions certified within twenty-eight (28) days from the date of this Order, and no later than February 24, 2022;
2. that Appellees shall then file with the Clerk of this Court an original and nine (9) copies of their response brief within twenty-one (21) days from the filing of Appellant's brief; and



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3. that Appellant may then file with the Clerk of this Court an original and nine (9) copies of his reply brief within fourteen (14) days from the filing of Appellees' response brief.

Parker, C.J., and Bolin, Shaw, Bryan, Sellers, Mendheim, Stewart, and Mitchell, JJ., concur.

Witness my hand this 27th day of January, 2022.

A handwritten signature in cursive script that reads "Julia Jordan Waller".

**Clerk of Court,
Supreme Court of Alabama**

**FILED
January 27, 2022
3:14 PM

Clerk
Supreme Court of Alabama**

cc:

Hon. Andrew L. Brasher

United States Court of Appeals for the Eleventh Circuit Clerk's Office

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