

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: C.R. BARD, INC.
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL No. 2187

THIS DOCUMENT RELATES TO

Sylvia Burgess v. C.R. Bard, Inc., et al.

2:14-cv-021424

MEMORANDUM OPINION AND ORDER

On July 10, 2019, I granted a motion to show cause filed by Tissue Science Laboratories Limited (“TSL”). [ECF No. 19]. Defendant C. R. Bard, Inc. (“Bard”) later joined in the motion to show cause. [ECF No. 20]. The defendants assert that plaintiff’s case should be dismissed with prejudice for failure to comply with court orders, including the failure to timely provide the defendants with required pretrial discovery in violation of Pretrial Order Numbers 275 and 283. The Motion was returned undeliverable. [ECF No. 18]. Plaintiff, who is *pro se*, has not responded to the above pleadings.

The court entered the Show Cause Order on July 10, 2019, directing plaintiff to show cause on or before July 24, 2019, why the defendant TSL should not be dismissed. [ECF No. 19]. The court sent a copy of this order to plaintiff at her last known address and posted it on the court’s public website. The Order was returned undeliverable. [ECF No. 21]. Plaintiff did not show cause or otherwise respond.

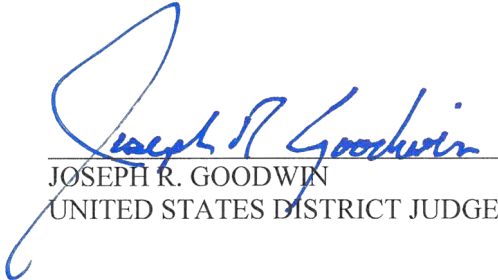
The court finds, pursuant to Rules 16 and 37 of the Federal Rules of Civil Procedure and after weighing the factors identified in *Wilson v. Volkswagen of Am.*,

Inc., 561 F.2d 494, 503-06 (4th Cir. 1977), that this case should be dismissed without prejudice for plaintiff's failure to respond to the show cause order and otherwise comply with discovery deadlines in compliance with the court's previous pretrial and other orders.

Therefore, the court **ORDERS** that the defendants, TSL and Bard, are dismissed without prejudice. No other defendants remain and this case is stricken from the docket and closed.

The court **DIRECTS** the Clerk to send a copy of this order to counsel of record and plaintiff at her last known address.

ENTER: August 8, 2019


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE