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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE: BEXTRA AND CELEBREX  
MARKETING SALES PRACTICES AND  
PRODUCT LIABILITY LITIGATION

CASE NO. 05-CV-01699 CRB  
MDL No. 1699

This Document Relates To:	
Bertha Townsend	07-3417 CRB
Elizabeth Cochran	07-3418 CRB
Arthur Bluett	07-3447 CRB
Lois Hornsby	07-3449 CRB
Lisa Mathews	07-3491 CRB
Deborah Dohner	07-3493 CRB
Rachel Murillo	10-4345 CRB

**ORDER DISMISSING WITH PREJUDICE  
CERTAIN PLAINTIFFS SUBJECT TO  
ORDER TO SHOW CAUSE & STAYING  
ORDER FOR 90 DAYS**  
  
Date: February 4, 2011  
Time: 10:00 a.m.  
Judge: Hon. Charles R. Breyer

On November 22, 2010, this Court issued an Order to Show Cause why certain Plaintiffs – those who had executed settlement agreements with Pfizer or who had agreements in principle, but who had not yet completed the settlement process, or who appeared to file duplicative complaints where the Court dismissed at least one of the complaints already – should not be dismissed for failure to prosecute their claims (“the OSC”). See Docket No. 3445. The OSC required any such Plaintiff who wished to oppose the dismissal of his or her suit with prejudice to file a response to the OSC by December 7 and appear in person at a hearing on December 17. Prior to the hearing, Plaintiffs’ counsel for the above-captioned seven plaintiffs filed an untimely response to the OSC, and Plaintiffs’ counsel did not appear at the hearing.

ORDER DISMISSING WITH PREJUDICE CERTAIN PLAINTIFFS SUBJECT TO ORDER TO SHOW CAUSE & STAYING ORDER FOR 90 DAYS – M:05-CV-01699-CRB

1 After the hearing, the Court stayed the OSC until February 4, 2011 with respect to these  
2 seven Plaintiffs, among a number of other Plaintiffs ("the OSC Dismissal & Stay"). See Docket  
3 No. 3463. Plaintiffs' counsel again filed an untimely response to the OSC Dismissal & Stay, in  
4 which counsel consented to the dismissal of certain other Plaintiffs but claimed to have made  
5 some progress in completing the settlements of these seven Plaintiffs.

6 After carefully considering the status of the litigation, the ample notice provided to these  
7 litigants by the Court and Pfizer, Plaintiffs' counsel's failure to appear in person at either hearing  
8 (as ordered by the Court), Plaintiffs' counsel's failure to file timely responses, and the lack of  
9 progress made toward settlement by these Plaintiffs, the Court hereby DISMISSES WITH  
10 PREJUDICE the claims of these seven Plaintiffs. The Court hereby STAYS this Order, however,  
11 until May 6, 2011, so that Plaintiffs may attempt to complete their settlements with Pfizer. This  
12 Order shall take effect at 9:00 a.m. on May 6 unless the parties file stipulations of dismissal with  
13 prejudice before that time or otherwise show good cause why the Order should be stayed further.

14 **IT IS SO ORDERED.**

15  
16 Dated: February 4, 2011

  
HONORABLE CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

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ORDER DISMISSING WITH PREJUDICE CERTAIN PLAINTIFFS SUBJECT TO ORDER TO SHOW CAUSE  
& STAYING ORDER FOR 90 DAYS – M:05-CV-01699-CRB