

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

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<b>IN RE: YASMIN AND YAZ (DROSPIRENONE)</b>	)	<b>3:09-md-02100-DRH-PMF</b>
<b>MARKETING, SALES PRACTICES AND</b>	)	<b>MDL No. 2100</b>
<b>PRODUCTS LIABILITY LITIGATION</b>	)	<b>ORDER</b>

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**This Document Relates to:**

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|---|----------------------------------|
| <b>Rhonda Adair v. Bayer Corp., et al.</b>                                      | <b>No. 3:10-cv-10733-DRH-PMF</b> |
| <b>Isabel Arenas v. Bayer HealthCare<br/>Pharmaceuticals, Inc., et al.</b>      | <b>No. 3:10-cv-11599-DRH-PMF</b> |
| <b>Kimberly Arnold v. Bayer Corp., et al.</b>                                   | <b>No. 3:10-cv-11543-DRH-PMF</b> |
| <b>Julie Bellgowan v. Bayer Corp., et al.</b>                                   | <b>No. 3:10-cv-10836-DRH-PMF</b> |
| <b>Taylor Brewer v. Bayer Corp., et al.</b>                                     | <b>No. 3:10-cv-10880-DRH-PMF</b> |
| <b>Jessica Brown v. Bayer HealthCare<br/>Pharmaceuticals, Inc., et al.</b>      | <b>No. 3:10-cv-11164-DRH-PMF</b> |
| <b>Samantha Brunatti v. Bayer Corp., et al.</b>                                 | <b>No. 3:10-cv-10879-DRH-PMF</b> |
| <b>Stormy Burks v. Bayer Corp., et al.</b>                                      | <b>No. 3:10-cv-12640-DRH-PMF</b> |
| <b>Margie Busch v. Bayer HealthCare<br/>Pharmaceuticals, Inc., et al.</b>       | <b>No. 3:10-cv-10857-DRH-PMF</b> |
| <b>Heather Calderwood v. Bayer HealthCare<br/>Pharmaceuticals, Inc., et al.</b> | <b>No. 3:10-cv-11776-DRH-PMF</b> |
| <b>Jasmine Conner v. Bayer HealthCare<br/>Pharmaceuticals, Inc., et al.</b>     | <b>No. 3:10-cv-11772-DRH-PMF</b> |
| <b>Brooke Croneberger v. Bayer HealthCare<br/>Pharmaceuticals, Inc., et al.</b> | <b>No. 3:10-cv-11771-DRH-PMF</b> |

<b>Deborah Flemings v. Bayer Corp., et al.</b>	<b>No. 3:10-cv-11377-DRH-PMF</b>
<b>Falan Fudge v. Bayer Corp., et al.</b>	<b>No. 3:10-cv-10996-DRH-PMF</b>
<b>Bertha Grace v. Bayer Corp., et al.</b>	<b>No. 3:10-cv-11434-DRH-PMF</b>
<b>Jasmine Grindstaff v. Bayer Corp., et al.</b>	<b>No. 3:10-cv-11700-DRH-PMF</b>
<b>Jamie Homan v. Bayer HealthCare Pharmaceuticals, Inc., et al.</b>	<b>No. 3:10-cv-11673-DRH-PMF</b>
<b>Angelina Jackson v. Bayer Corp., et al.</b>	<b>No. 3:10-cv-11383-DRH-PMF</b>
<b>Jamila Jones v. Bayer Corp., et al.</b>	<b>No. 3:10-cv-11551-DRH-PMF</b>
<b>Jennifer Johnson v. Bayer HealthCare Pharmaceuticals, Inc., et al.</b>	<b>No. 3:09-cv-20161-DRH-PMF</b>
<b>Kelsey Lagerstrom v. Bayer Corp., et al.</b>	<b>No. 3:10-cv-12627-DRH-PMF</b>
<b>Christine Lagesse v. Bayer Corp., et al.</b>	<b>No. 3:10-cv-12788-DRH-PMF</b>
<b>Myrna Nunez v. Bayer HealthCare Pharmaceuticals, Inc., et al.</b>	<b>No. 3:10-cv-12068-DRH-PMF</b>
<b>Julie Pace v. Bayer Corp., et al.</b>	<b>No. 3:10-cv-11421-DRH-PMF</b>
<b>Michelle Ray v. Bayer Corp., et al.</b>	<b>No. 3:10-cv-11416-DRH-PMF</b>
<b>Renee Richter v. Bayer Corp., et al.</b>	<b>No. 3:10-cv-10352-DRH-PMF</b>
<b>Ashley Robinson v. Bayer Corp., et al.</b>	<b>No. 3:10-cv-11317-DRH-PMF</b>
<b>Amy Sheaffer v. Bayer HealthCare Pharmaceuticals, Inc., et al.</b>	<b>No. 3:10-cv-10936-DRH-PMF</b>
<b>Belinda Sipes v. Bayer Corp., et al.</b>	<b>No. 3:10-cv-11362-DRH-PMF</b>
<b>Ruby Smith v. Bayer Corp., et al.</b>	<b>No. 3:10-cv-11364-DRH-PMF</b>
<b>Yvette Sylvia-Booth v. Bayer Corp., et al.</b>	<b>No. 3:10-cv-12562-DRH-PMF</b>
<b>Kayla Taylor v. Bayer HealthCare Pharmaceuticals, Inc., et al.</b>	<b>No. 3:10-cv-11727-DRH-PMF</b>

**Caprice White v. Bayer Corp., et al.**

**No. 3:10-cv-11385-DRH-PMF**

**Angela Wilhoite v. Bayer Corp., et al.**

**No. 3:10-cv-11408-DRH-PMF**

**Kelly Youhas v. Bayer Corp., et al.**

**No. 3:10-cv-11405-DRH-PMF**

**ORDER**

**HERNDON, Chief Judge:**

This matter is before the Court on Defendant Bayer HealthCare Pharmaceuticals Inc.'s motions, pursuant to Case Management Order 12 ("CMO 12"), for an Order dismissing plaintiffs' claims, in the above-captioned matters, **with prejudice** for failure to comply with their Plaintiff Fact Sheet ("PFS") obligations.

On February 4, 2011, Bayer HealthCare Pharmaceuticals Inc. moved to dismiss the *Adair, Arenas, Bellgowan, Calderwood, Conner, Croneberger, Flemings, Grace, Jackson, Jones, Nunez, Ray, Robinson, Sheaffer, Sipes, Smith, White, Wilhoite, and Youhas* matters without prejudice for failure to comply with PFS obligations.<sup>1</sup> The Court granted the motion on February 24, 2011.<sup>2</sup>

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<sup>1</sup> Adair DOC. 5; Arenas DOC. 5; Bellgowan DOC. 6; Calderwood DOC. 5; Conner DOC. 5; Croneberger DOC. 5; Flemings DOC. 7; Grace DOC. 7; Jackson DOC. 6; Jones DOC. 6; Nunez DOC. 5; Ray DOC. 6; Robinson DOC. 6; Sheaffer DOC. 6; Sipes DOC. 6; Smith DOC. 6; White DOC. 6; Wilhoite DOC. 6; Youhas DOC. 6.

<sup>2</sup> Adair DOC. 6; Arenas DOC. 6; Bellgowan DOC. 7; Calderwood DOC. 6; Conner DOC. 6; Croneberger DOC. 6; Flemings DOC. 8; Grace DOC. 8; Jackson DOC. 7; Jones DOC. 7; Nunez DOC. 6; Ray DOC. 7; Robinson DOC. 7; Sheaffer DOC. 7; Sipes DOC. 7; Smith DOC. 7; White DOC. 7; Wilhoite DOC. 7; Youhas DOC. 7.

On February 23, 2011, Bayer HealthCare Pharmaceuticals Inc. moved to dismiss the *Arnold, Brewer, Brown, Brunatti, Busch, Fudge, Grindstaff, Homan, Johnson, and Taylor* matters without prejudice for failure to comply with PFS obligations.<sup>3</sup> The Court granted the motion on March 22, 2011.<sup>4</sup>

On March 8, 2011, Bayer HealthCare Pharmaceuticals Inc. moved to dismiss the *Burks, Lagerstrom, Lagesse, Pace, Richter, and Sylvia-Booth* matters without prejudice for failure to comply with PFS obligations.<sup>5</sup> The Court granted the motion on March 28, 2011.<sup>6</sup>

More than 60 days since the entry of the order of dismissal without prejudice have passed, and plaintiffs still have not complied with their PFS obligations.

Accordingly, pursuant to Section E of CMO 12, Defendant Bayer HealthCare Pharmaceuticals Inc. respectfully requests that the Court issue an Order converting the dismissal without prejudice to a dismissal with prejudice.

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<sup>3</sup> Arnold DOC. 5; Brewer DOC. 5; Brown DOC. 7; Brunatti DOC. 5; Busch DOC. 5; Fudge DOC. 7; Grindstaff DOC. 5; Homan DOC. 7; Johnson DOC. 19; Taylor DOC. 6.

<sup>4</sup> Arnold DOC. 6; Brewer DOC. 6; Brown DOC. 8; Brunatti DOC. 6; Busch DOC. 6; Fudge DOC. 8; Grindstaff DOC. 6; Homan DOC. 8; Johnson DOC. 20; Taylor DOC. 7.

<sup>5</sup> Burks DOC. 6; Lagerstrom DOC. 6; Lagesse DOC. 6; Pace DOC. 6; Richter DOC. 9; Sylvia-Booth DOC. 7.

<sup>6</sup> Burks DOC. 7; Lagerstrom DOC. 7; Lagesse DOC. 7; Pace DOC. 7; Richter DOC. 10; Sylvia-Booth DOC. 8.

Having considered the motion and the relevant provisions of CMO 12 the Court **ORDERS** as follows:

Plaintiffs in the above captioned actions have failed to comply with their obligations pursuant to CMO 12 and more than 60 days have passed since the entry of the order of dismissal without prejudice for failure to comply with CMO 12. Accordingly, pursuant to Section E of CMO 12, **Plaintiffs complaints are hereby dismissed with prejudice**. Further, the Court **DIRECTS** the Clerk of the Court to enter judgment reflecting the same.

**SO ORDERED**

 Digitally signed by David R.  
Herndon  
Date: 2011.06.17 16:48:49 -05'00'

**Chief Judge  
United States District Court**

**Date: June 17, 2011**