

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

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

This Document Relates to:

Vonnie McDonald v. Bayer Corp., et al. No. 3:10-cv-12151-DRH-PMF

Lakisha Simon v. Bayer Corp., et al. No. 3:10-cv-11714-DRH-PMF

Sonya M. Varney v. Bayer Corp., et al. No. 3:10-cv-11562-DRH-PMF

ORDER

HERNDON, Chief Judge:

This matter is before the Court on Defendant Bayer HealthCare Pharmaceuticals Inc.’s (“Bayer”) motion to dismiss the above captioned actions without prejudice. To date, Plaintiffs have not responded to Bayer’s motion.

In each of the above-captioned matters, the Court granted a motion to withdraw filed by Plaintiff’s counsel. (McDonald DOC. 8 (1/14/11); Simon DOC. 8 (1/11/11); Varney DOC. 10 (1/11/11)). After Plaintiffs did not file the supplementary appearance required by the Order granting withdrawal and Local Rule 83.1(g)(2), Bayer moved to show cause why these claims should not be dismissed on February 7, 2011. (McDonald DOC. 9; Simon DOC. 9; Varney DOC. 11). On February 23, 2011, the Court gave Plaintiffs “one final opportunity to demonstrate some interest in the further prosecution of their claims.” The Order

provided that, if Plaintiffs did not file an entry of appearance by March 2, 2011, then “Plaintiffs’ cases will be dismissed without prejudice pursuant to Rule 41(b).” (McDonald DOC. 10 at 2; Simon DOC. 10 at 2; Varney DOC. 12 2at 2). To date, and in violation of the Order and **Local Rule 83.1(g)(2)**, Plaintiffs have not filed a supplementary appearance. This is particularly problematic in light of the Plaintiff Fact Sheet concerns raised by Bayer and discussed by this Court in previous orders.

Pursuant to Federal Rule of Civil Procedure **41(b)**, a complaint may be involuntarily dismissed where a Plaintiff fails to prosecute or to comply with the rules or a court order. **See Fed. R. Civ. P. 41(b)**. In the above captioned cases, Plaintiffs have failed to comply with this Court’s Order and with **Local Rule 83.1(g)**. Accordingly, for the reasons stated herein, the above captioned actions are hereby dismissed without prejudice.

SO ORDERED.

  David R. Herndon
2011.03.11 16:28:21 -06'00'

Chief Judge
United States District Court

Date: March 11, 2011