

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:

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

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

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.¹ The Court granted the motion on February 24, 2011.²

¹ 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.

² 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.³ The Court granted the motion on March 22, 2011.⁴

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.⁵ The Court granted the motion on March 28, 2011.⁶

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.

³ 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.

⁴ 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.

⁵ Burks DOC. 6; Lagerstrom DOC. 6; Lagesse DOC. 6; Pace DOC. 6; Richter DOC. 9; Sylvia-Booth DOC. 7.

⁶ 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