

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

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

*Rachael Colletti, et al. v. Bayer Corp., et al.*<sup>1</sup> No. 3:10-cv-11838-DRH-PMF

**ORDER DISMISSING WITH PREJUDICE**

**HERNDON, Chief Judge:**

This matter is before the Court on the defendant Bayer HealthCare Pharmaceuticals Inc.'s motion, pursuant to Case Management Order 12 ("CMO 12"), for an order dismissing the above-captioned matter with prejudice for failure to comply with Plaintiff Fact Sheet ("PFS") obligations.

On August 30, 2011, Bayer HealthCare Pharmaceuticals, Inc. moved to dismiss the above captioned matter without prejudice for failure to comply with PFS obligations.<sup>2</sup> The Court granted the motion on September 23, 2011.<sup>3</sup>

In the order dismissing the above captioned action, the Court warned the plaintiff that, "pursuant to CMO 12 Section E, **unless plaintiffs serve defendants with a COMPLETED PFS or move to vacate the dismissal without prejudice**

<sup>1</sup> This motion applies only to plaintiff Rachael Colletti.

<sup>2</sup> Colletti D.E. 9.

<sup>3</sup> Colletti D.E. 10.

**within 60 days after entry of this Order, the Order will be converted to a Dismissal With Prejudice upon defendants' motion."**

On April 1, 2013, more than one year after the entry of the order of dismissal without prejudice, Bayer HealthCare Pharmaceuticals Inc. filed the subject motion stating the plaintiff is still not in compliance with her PFS obligations and asking the Court to convert the dismissal into a dismissal with prejudice pursuant to Section E of CMO 12,

To date, the plaintiff has not taken any steps to cure the PFS deficiencies, to address the without prejudice dismissal, or to reply to the motion for dismissal with prejudice. The plaintiff has had ample time to cure the any PFS deficiencies and avoid a with prejudice dismissal.

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

The plaintiff has failed to comply with her 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, **the plaintiff's complaint is hereby dismissed WITH prejudice.**

**Further, the Court DIRECTS the Clerk of the Court to enter judgment reflecting the same at the close of the case.**

**SO ORDERED:**

  David R. Herndon  
2013.06.20  
12:15:27 -05'00'

**Chief Judge  
United States District Court**

**Date: June 20, 2013**