

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

IN RE: YASMIN AND YAZ (DROSPIRENONE) MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION)))	3:09-md-02100-DRH-PMF MDL No. 2100 ORDER
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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 show cause why Plaintiffs’ claims should not be dismissed 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)). The orders granting withdrawal provided that, “[s]hould Plaintiff choose to continue pursuing this action, Plaintiff or her new counsel **must file a supplementary entry of appearance within 21 days of the entry of this Order.**” *Id.* (emphasis in original). The orders also provided:

If Plaintiff or her new counsel timely files a supplementary entry of appearance she will be given 45 days from the entry of her or her new counsel's appearance to serve her Plaintiff Fact Sheet, pursuant to Case Management Order #12. If Plaintiff or her new counsel fails to file a supplementary entry of appearance within 21 days of the entry of this Order, Plaintiff's action will be subject to dismissal without prejudice for failure to comply with this Order and with her Plaintiff Fact Sheet requirements.

Id. To date, and in violation of these orders and Local Rule 83.1(g)(2), Plaintiffs have not filed a supplementary appearance. Their appearances are overdue.

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)**. The Court will grant Plaintiffs one final opportunity to demonstrate some interest in the further prosecution of their claims. Plaintiffs are hereby given until **March 2, 2011 to file an appearance as required by local rule 83.1(g). If Plaintiffs fail to file an entry of appearance by this deadline, Plaintiffs' cases will be dismissed without prejudice pursuant to Rule 41(b).**

SO ORDERED

 

**Chief Judge
United States District Court**

Date: February 22, 2011