

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
)

This Document Relates to:

Petra Asel v. Bayer Corp., et al. No. 3:10-cv-12527-DRH-PMF

Lauren Baker v. Bayer Corp., et al. No. 3:10-cv-12644-DRH-PMF

Ashley Blackard v. Pharmaceuticals, Inc., et al. No. 3:10-cv-12230-DRH-PMF Bayer HealthCare

Shawna Carter v. Bayer HealthCare Pharmaceuticals, Inc., et al. No. 3:10-cv-13225-DRH-PMF

Vanessa Cervantes v. Bayer HealthCare Pharmaceuticals, Inc., et al. No. 3:10-cv-13014-DRH-PMF

Autumn Dickson v. Bayer Corp., et al. No. 3:10-cv-12921-DRH-PMF

Ashley Flynt v. Bayer HealthCare Pharmaceuticals, Inc., et al. No. 3:10-cv-12485-DRH-PMF

Tanya Lynch v. Bayer Corp., et al. No. 3:10-cv-12626-DRH-PMF

Ellen Miller v. Bayer HealthCare Pharmaceuticals, Inc., et al. No. 3:10-cv-10813-DRH-PMF

ORDER DISMISSING WITH PREJUDICE

HERNDON, Chief Judge:

This matter is before the Court on Defendant Bayer HealthCare Pharmaceuticals Inc.'s ("Bayer") 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 April 12, 2011, Bayer moved to dismiss the following of the above-captioned matters without prejudice for failure to comply with PFS obligations (AselDOC. 7; Baker DOC. 6; BlackardDOC. 7; Carter DOC. 6; Cervantes DOC. 6; Dickson DOC. 5; FlyntDOC. 5; Lynch DOC. 6; Miller DOC. 5.) The Court granted the motion on May 5, 2011. (AselDOC. 8; Baker DOC. 7; BlackardDOC. 8; Carter DOC. 7; Cervantes DOC. 7; Dickson DOC. 6; FlyntDOC. 6; Lynch DOC. 7; Miller DOC. 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, Bayer requests that the Court issue an Order converting the dismissal without prejudice to a dismissal with prejudice. 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: 2011.07.28 12:46:25
-05'00'

**Chief Judge
United States District Court**

Date: July 28, 2011