

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:

***Debra Allen v. Bayer HealthCare
Pharmaceuticals Inc., et al.*** **No. 3:10-cv-13751-DRH-PMF**

Jessica Dunn v. Bayer Corp., et al. **No. 3:10-cv-13654-DRH-PMF**

***Faith Francis v. Bayer HealthCare
Pharmaceuticals Inc., et al.*** **No. 3:10-cv-12504-DRH-PMF**

***Rebecca Garlick v. Bayer HealthCare
Pharmaceuticals Inc., et al.*** **No. 3:10-cv-13281-DRH-PMF**

Brenda Harding v. McKesson Corp., et al. **No. 3:10-cv-20406-DRH-PMF**

Angela Hills v. Bayer Corp., et al. **No. 3:10-cv-13497-DRH-PMF**

***Elizabeth Radimak, et al. v. Bayer
HealthCarePharmaceuticals Inc., et al.***¹ **No. 3:10-cv-13127-DRH-PMF**

***Monica Wilkinson v. Bayer HealthCare
Pharmaceuticals Inc., et al.*** **No. 3:10-cv-13528-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 (filed on June 6, 2011). Plaintiff’s responsive pleading was due

¹ This Order applies to plaintiff Christina Weymouth.

on or before July 11, 2011. To date, Plaintiffs have not responded to Bayer's motion.

In each of the above captioned cases the Court granted a motion to withdraw filed by each plaintiff's counsel (*Francis* Doc. 9; *Garlick* Doc. 10; *Sills* Doc. 7; *Radimak* Doc. 10; *Allen* Doc. 8 *Dunn* Doc. 11; *Harding* Doc. 20; *Wilkinson* Doc. 8). Brockman DOC. 16 (11/18/10); *Cardinale* DOC. 11 (11/29/10); *Mixon* DOC. 7 (11/29/10); *Rowe* DOC. 9 (11/29/10)). In each case, the Order provided that, "[i]f plaintiff or her new counsel fails to file a supplementary appearance within 21 days of the entry of this Order, plaintiff's action will be subject to dismissal without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute or to comply with the orders of this Court, including failure to comply with the Plaintiff Fact Sheet requirements." To date, and in violation of the Order and Local Rule 83.1(g), plaintiffs have not filed a supplementary appearance.


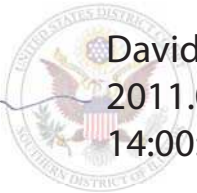
Pursuant to Federal Rule of Civil Procedure **41(b)**, a complaint may be involuntarily dismissed where a Plaintiff fails to prosecute or to comply with the rules or a court order. **See Fed. R. Civ. P. 41(b)**. In the above captioned cases, Plaintiffs have failed to comply with this Court's Order and with **Local Rule 83.1(g)**.

In addition, each plaintiff's failure to file an appearance has prejudiced Bayer. In each of these matters, a Plaintiff Fact Sheet was due on or before May 5, 2011. To date, and in violation of Case Management Order 12,

Plaintiffs' have not served a fact sheet. Thus, the Plaintiff Fact Sheets are more than one month overdue.

Accordingly, for the reasons stated herein, plaintiffs' actions are hereby dismissed without prejudice.

SO ORDERED.

  David R. Herndon
2011.07.12
14:00:43 -05'00'

**Chief Judge
United States District Court**

Date: July 12, 2011