

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

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

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**This Document Relates to:**

**Kaelee Brown v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:09-cv-10148-DRH-PMF**

**Sheryl Camp v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:10-cv-10089-DRH-PMF**

**Jessica Colby v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:09-cv-10181-DRH-PMF**

**Ali Denny v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:10-cv-10085-DRH-PMF**

**Lesley Ann Dunnagan v. Bayer Corp. et al. No. 3:10-cv-20029-DRH-PMF**

**Alicia Eck v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:10-cv-10144-DRH-PMF**

**Phyllia Greco v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:09-cv-10128-DRH-PMF**

**Keeley Harris v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:10-cv-10032-DRH-PMF**

**Ashley Hill v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:10-cv-10141-DRH-PMF**

**Taiga Hilliard v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:10-cv-10140-DRH-PMF**

**Jannie Hornby v. Bayer Corp. et al. No. 3:10-cv-10105-DRH-PMF**

**Jeanna Johnson v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:09-cv-10125-DRH-PMF**

**Darlene LaBelle v. Bayer Corp. et al. No. 3:09-cv-10088-DRH-PMF2**

**Anju Lodato v. Bayer Corp. et al. No. 3:10-cv-10131-DRH-PMF**

**Tataka McGaha v. Bayer Corp. et al. No. 3:10-cv-20222-DRH-PMF**

**Shana McMillan v. Bayer Corp. et al. No. 3:10-cv-10048-DRH-PMF**

**Gail Myers v. Bayer Corp. et al. No. 3:10-cv-10020-DRH-PMF**

**Cassie O'Bier v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:10-cv-10021-DRH-PMF**

**Kandi Pool v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:09-cv-10204-DRH-PMF**

**Brittany Sloan v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:10-cv-10121-DRH-PMF**

**Rhonda Spencer v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:10-cv-10111-DRH-PMF**

**Brandi Stephens v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:10-cv-10012-DRH-PMF**

**Susan Thompson v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:10-cv-10115-DRH-PMF**

**Jessica Underwood v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:09-cv-10074-DRH-PMF**

**Anna Vidaurri v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:10-cv-10008-DRH-PMF**

**Makelia Wingard v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:10-cv-10100-DRH-PMF**

**ORDER**

**HERNDON, Chief Judge:**

This matter is before the Court on Defendant Bayer HealthCare Pharmaceuticals Inc.'s motion, 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 October 4, 2010, Bayer HealthCare Pharmaceuticals Inc. moved to dismiss the *Brown, Camp, Colby, Denny, Eck, Greco, Harris, Hill, Hilliard, Johnson,* and *Thompson* matters without prejudice for Plaintiffs' failure to comply with their PFS obligations.<sup>1</sup> The Court granted the motion on October 29, 2010.<sup>2</sup>

On October 6, 2010, Bayer HealthCare Pharmaceuticals Inc. moved to dismiss the *O'Bier, Pool, Sloan, Spencer, Stephens, Underwood, Vidaurri,*

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<sup>1</sup> Brown DOC. 31; Camp DOC. 19; Colby DOC. 31; Denny DOC. 19; Eck DOC. 19; Greco DOC. 31; Harris DOC. 20; Hill DOC. 19; Hilliard DOC. 19; Johnson DOC. 31; Thompson DOC. 19.

<sup>2</sup> Brown DOC. 32; Camp DOC. 20; Colby DOC. 32; Denny DOC. 20; Eck DOC. 20; Greco DOC. 32; Harris DOC. 21; Hill DOC. 20; Hilliard DOC. 20; Johnson DOC. 32; Thompson DOC. 20.

and *Wingard* matters without prejudice for Plaintiffs' failure to comply with their PFS obligations.<sup>3</sup> The Court granted the motion on October 29, 2010.<sup>4</sup>

On October 26, 2010, Bayer HealthCare Pharmaceuticals Inc. moved to dismiss the *McGaha* matter without prejudice for Plaintiff's failure to comply with her PFS obligations.<sup>5</sup> The Court granted the motion on November 18, 2010.<sup>6</sup>

On October 27, 2010, Bayer HealthCare Pharmaceuticals Inc. moved to dismiss the *Hornby*, *LaBelle*, *Lodato*, *McMillan*, and *Myers* matters without prejudice for Plaintiffs' failure to comply with their PFS obligations.<sup>7</sup> The Court granted the motion on November 18, 2010.<sup>8</sup>

On November 12, 2010, Bayer HealthCare Pharmaceuticals Inc. moved to dismiss the *Dunnagan* matter without prejudice for Plaintiff's failure to comply with her PFS obligations.<sup>9</sup> The Court granted the motion on November 29, 2010.<sup>10</sup>

More than 60 days since entry of the orders of dismissal without prejudice have passed, and Plaintiffs have not complied with their PFS

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<sup>3</sup> O'Bier DOC. 20; Pool DOC. 21; Sloan DOC. 19; Spencer DOC. 19; Stephens DOC. 20; Underwood DOC. 34; Vidaurri DOC. 19; Wingard DOC. 18.

<sup>4</sup> O'Bier DOC. 21; Pool DOC. 22; Sloan DOC. 20; Spencer DOC. 20; Stephens DOC. 21; Underwood DOC. 36; Vidaurri DOC. 21; Wingard DOC. 19.

<sup>5</sup> McGaha DOC. 17.

<sup>6</sup> McGaha DOC. 18.

<sup>7</sup> Hornby DOC. 19; LaBelle DOC. 35; Lodato DOC. 19; McMillan DOC. 20; Myers DOC. 20.

<sup>8</sup> Hornby DOC. 20; LaBelle DOC. 36; Lodato DOC. 20; McMillan DOC. 21; Myers DOC. 21.


<sup>9</sup> Dunnagan DOC. 16.

<sup>10</sup> Dunnagan DOC. 17.

obligations. Accordingly, pursuant to Section E of CMO 12, Defendant Bayer HealthCare Pharmaceuticals Inc. requests an Order converting the dismissals without prejudice to dismissals 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.**

**SO ORDERED:**

 Digitally signed by David R. Herndon  
DN: cn=David R. Herndon, o=Southern District of  
IL, ou=U. S. District Court,  
email=judge\_herndon@ilsd.uscourts.gov, c=US  
Date: 2011.03.14 16:25:13 -05'00'

**Chief Judge  
United States District Court**

**Date: March 14, 2011**