

**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:

**Christina Craig, et al. v. Bayer HealthCare
Pharms., Inc., et al. No. 3:10-cv-10531-DRH-PMF¹**

**Netta Jackson v. Bayer HealthCare
Pharms., Inc., et al. No. 3:10-cv-20235-DRH-PMF**

**Krista Wilson v. Bayer HealthCare
Pharms., Inc., et al. No. 3:10-cv-10750-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 (Craig DOC. 10 at 3; Jackson DOC. 18 at 3; Wilson DOC. 10 at 3).

In each of the above captioned cases the Court granted a motion to withdraw filed by Plaintiff’s counsel (Craig DOC. 7 (10/29/10); Jackson DOC. 14 (9/21/10); Wilson DOC. 7 (10/18/10)). On November 24, 2010, Bayer moved to show cause why these cases should not be dismissed for Plaintiffs’ failure to file a supplementary appearance in accord with Local Rule 83.1(g)(2). (Craig DOC. 8;

¹ Bayer’s motion and this Order apply to Plaintiff Joan Lategano only.

Jackson DOC. 16; Wilson DOC. 8). Plaintiffs did not respond to Bayer's motion to show cause. On December 10, 2010, the Court ordered Plaintiffs to file a supplementary appearance by December 17, 2010. (Craig DOC. 9 at 3; Jackson DOC. 17 at 3; Wilson DOC. 9 at 3). The Order provided: "If Plaintiffs fail to file an entry of appearance by this deadline, Plaintiffs' cases will be dismissed without prejudice pursuant to Rule 41(b)." (*Id.* at 3).

To date, and in violation of the Order and Local Rule 83.1(g)(2), Plaintiffs have not filed a supplementary appearance. This is particularly problematic in light of the Plaintiff Fact Sheet concerns discussed in this Court's December 12, 2010 Order.

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). Accordingly, for the reasons stated herein, the Court **Orders** as follows:

1. In member action *Christina Craig, et al. v. Bayer HealthCare Pharms., Inc., et al.* No. 3:10-cv-10531-DRH-PMF **Plaintiff Joan Lategano**, is hereby **dismissed without prejudice**.
2. Member Action *Netta Jackson v. Bayer HealthCare Pharms., Inc., et al.* No. 3:10-cv-20235-DRH-PMF is hereby **dismissed without prejudice**.
3. Member Action *Krista Wilson v. Bayer HealthCare Pharms., Inc., et al.* No. 3:10-cv-10750-DRH-PMF is hereby **dismissed without prejudice**.

Plaintiff above captioned actions are hereby dismissed without prejudice. **SO**

ORDERED

 David R. Herndon
2011.01.10
17:34:51 -06'00'



Chief Judge
United States District Court

Date: January 10, 2011