

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
--	-------------	---

This Document Relates to:

Kelly Brockman v. McKesson Corp., et al.
No. 3:10-cv-20311-DRH-PMF

Karalyn Cardinale v. Bayer HealthCare
Pharms., Inc., et al. No. 3:10-cv-11617-DRH-PMF

Emily Mixon v. Bayer HealthCare
Pharms., Inc., et al. No. 3:10-cv-10715-DRH-PMF

Glenishe Rowe v. Bayer HealthCare
Pharms., Inc., et al. No. 3:10-cv-10718-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. 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 (Brockman DOC. 16 (11/18/10); Cardinale DOC. 11 (11/29/10); Mixon DOC. 7 (11/29/10); Rowe DOC. 9 (11/29/10)). Plaintiffs were required, pursuant to **local rule 83.1(g)(2)**, to file a supplementary appearance within 21 days of the entry of the Order.

After Plaintiffs did not file the supplementary appearance required by **Local Rule 83.1(g)(2)**, Bayer moved to show cause why Plaintiffs' claims should not be dismissed on December 21, 2010. (Brockman DOC. 17; Cardinale DOC. 12; Mixon DOC. 8; Rowe DOC. 10). On January 11, 2011, the Court gave Plaintiffs "one final opportunity to demonstrate some interest in the further prosecution of their claims." The Order provided that, if Plaintiffs did not file an entry of appearance by January 18 "Plaintiffs' cases will be dismissed without prejudice pursuant to **Rule 41(b)**."

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 raised by Bayer and discussed by this Court in previous orders.

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 above captioned actions are hereby dismissed without prejudice.

SO ORDERED.

 
David R. Herndon
2011.02.23 10:16:45
-06'00'

Chief Judge
United States District Court

Date: February 23, 2011