

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS**

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

*Angie Anchetta, et al. v. Bayer HealthCare Pharmaceuticals, Inc., et al.*<sup>1</sup> No. 3:10-cv-13246-DRH-PMF

*Shontay Ackerson v. Bayer HealthCare Pharmaceuticals, Inc., et al.* No. 3:11-cv-10283-DRH-PMF

*Andrea Baginski v. Bayer HealthCare Pharmaceuticals, Inc., et al.* No. 3:11-cv-12367-DRH-PMF

*Ashley Baker v. Bayer HealthCare Pharmaceuticals, Inc., et al.* No. 3:10-cv-13883-DRH-PMF

*Callie M. Ball v. Bayer HealthCare Pharmaceuticals, Inc., et al.* No. 3:10-cv-13875-DRH-PMF

*Megan Rae Berg v. Bayer HealthCare Pharmaceuticals, Inc., et al.* No. 3:11-cv-11388-DRH-PMF

*Crystal Boroff v. Bayer HealthCare Pharmaceuticals, Inc., et al.* No. 3:10-cv-13880-DRH-PMF

*Danielle Calabrese v. Bayer Corp., et al.* No. 3:10-cv-13371-DRH-PMF

*Denise Cudney v. Bayer HealthCare Pharmaceuticals, Inc., et al.* No. 3:11-cv-10617-DRH-PMF

*Katie Donaldson v. Bayer Corp., et al.* No. 3:11-cv-10486-DRH-PMF

*Rochelle Dougherty v. Bayer Corp., et al.* No. 3:10-cv-11502-DRH-PMF

*Kaci Douglass v. Bayer Corp., et al.* No. 3:11-cv-10487-DRH-PMF

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<sup>1</sup> This motion applies to all plaintiffs, i.e., Angie Anchetta and Mable Hughes.

*Heather Gibson v. Bayer Corp., et al.* No. 3:11-cv-10654-DRH-PMF

*Kirsten Goodlett v. Bayer Corp., et al.* No. 3:11-cv-10610-DRH-PMF

*Ashley Handy v. Bayer HealthCare Pharmaceuticals, Inc., et al.* No. 3:11-cv-10036-DRH-PMF

*Tiffany Hansley v. Bayer HealthCare Pharmaceuticals, Inc., et al.* No. 3:10-cv-13195-DRH-PMF

*Kiona Harvey v. Bayer HealthCare Pharmaceuticals, Inc., et al.* No. 3:10-cv-13330-DRH-PMF

*Donna and Robert Hill, Jr. v. Bayer HealthCare Pharmaceuticals, Inc., et al.* No. 3:10-cv-13596-DRH-PMF

*Ryann Hofmann v. Bayer HealthCare Pharmaceuticals, Inc., et al.* No. 3:11-cv-10299-DRH-PMF

*Tammy Holmes v. Bayer HealthCare Pharmaceuticals, Inc., et al.* No. 3:11-cv-10515-DRH-PMF

*Kathy Hutchinson v. Bayer HealthCare Pharmaceuticals, Inc., et al.* No. 3:11-cv-10540-DRH-PMF

*Mireya and Jeff Iannuzzi v. Bayer Corp., et al.* No. 3:11-cv-11100-DRH-PMF

*Kassandra Keeling v. Bayer HealthCare Pharmaceuticals, Inc., et al.* No. 3:11-cv-10044-DRH-PMF

*Geneva Kenner v. Bayer HealthCare Pharmaceuticals, Inc., et al.* No. 3:11-cv-10208-DRH-PMF

*Michelle Kielman v. Bayer Corp., et al.* No. 3:10-cv-13795-DRH-PMF

*Kara Kozaklewicz v. Bayer Corp., et al.* No. 3:11-cv-11481-DRH-PMF

*Carley Lockhart v. Bayer Corp., et al.* No. 3:11-cv-10609-DRH-PMF

*Melanie Lonczak v. Bayer Corp., et al.* No. 3:11-cv-12753-DRH-PMF

*Angela Lorinchak v. Bayer HealthCare Pharmaceuticals, Inc., et al.* No. 3:11-cv-10972-DRH-PMF

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| <i>Kristen Mangino v.<br/>Bayer HealthCare Pharmaceuticals, Inc., et al.</i>   | No. 3:10-cv-13358-DRH-PMF |
| <i>Danielle Mazur v. Bayer Corp., et al.</i>                                   | No. 3:11-cv-10255-DRH-PMF |
| <i>Jessica McCaslin v.<br/>Bayer HealthCare Pharmaceuticals, Inc., et al.</i>  | No. 3:11-cv-10621-DRH-PMF |
| <i>Ashley Moore v.<br/>Bayer HealthCare Pharmaceuticals, Inc., et al.</i>      | No. 3:11-cv-10023-DRH-PMF |
| <i>Sarah Moseley v. Bayer Corp., et al.</i>                                    | No. 3:11-cv-10454-DRH-PMF |
| <i>Tiffany Moses v.<br/>Bayer HealthCare Pharmaceuticals, Inc., et al.</i>     | No. 3:11-cv-10536-DRH-PMF |
| <i>Clarissa Munoz v. Bayer Corp., et al.</i>                                   | No. 3:11-cv-10519-DRH-PMF |
| <i>Maggie C. Murdock v.<br/>Bayer HealthCare Pharmaceuticals, Inc., et al.</i> | No. 3:11-cv-11867-DRH-PMF |
| <i>Cynthia New v. Bayer Corp., et al.</i>                                      | No. 3:11-cv-10485-DRH-PMF |
| <i>Lauren M. Nolasco v.<br/>Bayer HealthCare Pharmaceuticals, Inc., et al.</i> | No. 3:11-cv-11928-DRH-PMF |
| <i>Kathleen Nold v. Bayer Corp., et al.</i>                                    | No. 3:11-cv-12795-DRH-PMF |
| <i>Monica Ortiz v. Bayer Corp., et al.</i>                                     | No. 3:11-cv-10418-DRH-PMF |
| <i>Vanessa Palomo v. Bayer Corp., et al.</i>                                   | No. 3:11-cv-10065-DRH-PMF |
| <i>Jessica Rios v. Bayer Corp., et al.</i>                                     | No. 3:11-cv-11008-DRH-PMF |
| <i>Joanne Roberts v. Bayer Corp., et al.</i>                                   | No. 3:10-cv-12965-DRH-PMF |
| <i>Marsha Rucker v. Bayer Corp., et al.</i>                                    | No. 3:11-cv-10270-DRH-PMF |
| <i>Mandy Schaible v. Bayer Corp., et al.</i>                                   | No. 3:11-cv-12793-DRH-PMF |
| <i>Raven L. Smith v. Bayer Corp., et al.</i>                                   | No. 3:11-cv-11637-DRH-PMF |

*Ursula Smith v.* No. 3:10-cv-13400-DRH-PMF  
*Bayer HealthCare Pharmaceuticals, Inc., et al.*

*Kyrsten Unger v. Bayer Corp., et al.* No. 3:11-cv-10210-DRH-PMF

*Rachel Warner v.* No. 3:10-cv-13879-DRH-PMF  
*Bayer HealthCare Pharmaceuticals, Inc., et al.*

*Melissa Watson v.* No. 3:10-cv-13193-DRH-PMF  
*Bayer HealthCare Pharmaceuticals, Inc., et al.*

*Michelle Whiting v.* No. 3:11-cv-10286-DRH-PMF  
*Bayer HealthCare Pharmaceuticals, Inc., et al.*

*Heather Young v. Bayer Corp., et al.* No. 3:11-cv-10672-DRH-PMF

### **ORDER DISMISSING WITH PREJUDICE**

#### **HERNDON, Chief Judge:**

This matter is before the Court on the defendant Bayer HealthCare Pharmaceuticals Inc.'s motion, pursuant to Case Management Order 12 ("CMO 12"), for an order dismissing the plaintiffs' claims, in the above-captioned matters, with prejudice for failure to comply with Plaintiff Fact Sheet ("PFS") obligations.

On March 13, 2012, Bayer HealthCare Pharmaceuticals Inc. moved to dismiss the above captioned matters without prejudice for failure to comply with PFS obligations. The Court granted the motion on May 31, 2012.

In the order dismissing the above captioned actions, the Court warned the plaintiffs that, "pursuant to CMO 12 Section E, **unless plaintiffs serve defendants with a COMPLETED PFS or move to vacate the dismissal without**

**prejudice within 60 days after entry of this Order, the Order will be converted to a Dismissal With Prejudice upon defendants' motion."**

On March 28, 2013, approximately ten months after the entry of the order of dismissal without prejudice, Bayer HealthCare Pharmaceuticals Inc. filed the subject motion stating the plaintiffs are still not in compliance with their PFS obligations and asking the Court to convert the dismissals to dismissals with prejudice pursuant to Section E of CMO 12,

To date, none of the above captioned plaintiffs have taken any steps to cure their PFS deficiencies, to address the without prejudice dismissal, or to reply to the motion for dismissal with prejudice. The plaintiffs have had ample time to cure the any PFS deficiencies and avoid a with prejudice dismissal.

Having considered the motion and the relevant provisions of CMO 12 the Court **ORDERS** as follows:

The 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, **the plaintiffs' complaints are hereby dismissed WITH prejudice.**

**Further**, the Court **DIRECTS** the Clerk of the Court to enter judgment reflecting the same.

**SO ORDERED:**

 David R. Herndon  
2013.06.18  
13:17:43 -05'00'

**Chief Judge  
United States District Court**

**Date: June 18, 2013**