

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

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

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| <i>Jordan Wasia v. McKesson Corp., et al.</i> | No. 3:10-cv-20409-DRH-PMF |
| <i>Hogue v. Bayer Corp., et al.</i> | No. 3:11-cv-11073-DRH-PMF |
| <i>Kendall, et al. v. Bayer HealthCare Pharmaceuticals, Inc., et al.</i> | No. 3:11-cv-10832-DRH-PMF ¹ |

ORDER GRANTING MOTION TO DISMISS WITHOUT PREJUDICE

This matter is before the Court on the Bayer Defendants motions for an Order dismissing the above captioned plaintiffs' claims without prejudice for failure to file an appearance as required by this Court's Order and Local Rule 83.1(g)(2). The Bayer defendants filed motions to dismiss the above captioned plaintiffs in January and February 2012. To date, none of the plaintiffs has filed a responsive pleading.

The Court granted motions to withdraw filed by plaintiffs' counsel in December 2011 (*Wasia*) and January 2012 (*Hogue* and *Kendall*). The Orders provided that, "[i]f plaintiffs or their new counsel fails to file a supplementary entry of appearance within 21 days of the entry of this Order, plaintiffs' actions will be subject to dismissal without prejudice under Federal Rule of Civil

¹ This Order applies to plaintiffs Jodi Stanton and Kenneth Stanton only.

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.

Plaintiffs must comply with the Local Rules and this Court’s orders. Fed. R. Civ. P. 41(b). In addition, the subject plaintiffs’ delay has prejudiced Bayer. Plaintiffs have either failed to serve a Plaintiff Fact Sheet or have served incomplete Plaintiff Fact Sheets.

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

IT IS SO ORDERED.

Signed this 4th day of June 2012

 Digitally signed by
David R. Herndon
Date: 2012.06.04
17:07:42 -05'00'

**Chief Judge
United States District Court**