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**

This Document Relates to:

Santina Spears v. Bayer Corp., et al. No. 3:11-cv-10892-DRH-PMF

ORDER DISMISSING WITH PREJUDICE

HERNDON, Chief Judge:

This matter is before the Court on the motion of the defendant, Pharma AG, formerly known as Bayer Schering Pharma AG,[1] pursuant to Case Management Order 12 ("CMO 12"), for an order dismissing the above-captioned matter with prejudice for failure to comply with Plaintiff Fact Sheet ("PFS") obligations.

On February 9, 2012, Bayer Pharma AG moved to dismiss the above captioned matter without prejudice for failure to comply with PFS obligations.[2] The Court granted the motion on March 1, 2012.[3]

In the order dismissing the above captioned action, the Court warned the plaintiff that, "pursuant to CMO 12 Section E, **unless plaintiffs serve defendants**

[1] The Court notes that effective July 1, 2011, Bayer Schering Pharma AG (as named in Plaintiff's complaint) was renamed Bayer Pharma AG.
[2] D.E. 6.
[3] D.E. 7.

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 <u>Dismissal With Prejudice</u> upon defendants' motion."

On April 1, 2013, more than one year after the entry of the order of dismissal without prejudice, the defendant filed the subject motion stating the plaintiff is still not in compliance with her PFS obligations and asking the Court to convert the dismissal into a dismissal with prejudice pursuant to Section E of CMO 12,

To date, the plaintiff has not taken any steps to cure the PFS deficiencies, to address the without prejudice dismissal, or to reply to the motion for dismissal with prejudice. The plaintiff has 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 plaintiff has failed to comply with her 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 plaintiff's complaint is hereby dismissed WITH prejudice**.

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

SO ORDERED:

David R. Herndon
2013.06.20
12:21:11 -05'00'

Chief Judge **Date: June 20, 2013**
United States District Court