



motion to vacate the Court's order of dismissal: Traci Nurse, Unique Pirtle, Shannon Rachal, Tshangie Smith, and Loralee Ivkovic.

In member action *Kimberly Byrd, et al. v. Bayer HealthCare Pharmaceuticals, Inc., et al.* No. 3:11-cv-12890-DRH-PMF, the following plaintiffs have filed a motion to vacate the Court's order of dismissal: Lacy Bailey, Elizabeth Bailey-Smith, Barbara Brodersen, Shelli Daniels Vinson, Danielle Garner, Ashley Gross, Jamie Jeromin, Tricia Kelly-Learman, Maria Manahan, Emily Mayer, Kristen Ozinga, Valerie Schatz, Amalia Soliz, Shannon Lealos, Melanie Wallace, and Malissa Ward.

Both motions to vacate were filed on April 26, 2012. To date, Bayer has not responded to plaintiffs' motion to vacate.

In light of Bayer's failure to oppose the motion to vacate, the Court presumes that the subject plaintiffs have complied with their PFS obligations. Accordingly, the Court hereby **VACATES** the orders dismissing without prejudice the claims of the following plaintiffs and directs the Clerk of the Court to **REINSTATE** the same:

In member action *Katie Chor, et al., v. Bayer HealthCare Pharmaceuticals Inc., et al.*, No. 3:11-cv-12891-DRH-PMF:

1. Traci Nurse,
2. Unique Pirtle,
3. Shannon Rachal,
4. Tshangie Smith, and

**5. Loralee Ivkovic.**

In member action *Kimberly Byrd, et al. v. Bayer HealthCare Pharmaceuticals, Inc., et al.* No. 3:11-cv-12890-DRH-PMF:

1. Lacy Bailey,
2. Elizabeth Bailey-Smith,
3. Barbara Brodersen,
4. Shelli Daniels Vinson,
5. Danielle Garner,
6. Ashley Gross,
7. Jamie Jeromin,
8. Tricia Kelly-Learman,
9. Maria Manahan,
10. Emily Mayer,
11. Kristen Ozinga,
12. Valerie Schatz,

13. Amalia Soliz,
14. Shannon Lealos,
15. Melanie Wallace, and
16. Malissa Ward.

**SO ORDERED:**

*David R. Herndon*



Digitally signed by David  
R. Herndon  
Date: 2012.06.04 17:09:22  
-05'00'

**Chief Judge  
United States District Court**

**Date: June 4, 2012**