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:

Alicia Guerin, et al. v. Bayer Corp, et al.[1]	No. 3:11-cv-13233-DRH-PMF
Samantha Hamrick, et al. v. Bayer HealthCare Pharmaceuticals, Inc., et al.[2]	No. 3:11-cv-12806-DRH-PMF
Yvonne Richardson Campbell, et al. v. Bayer Corp., et al.[3]	No. 3:11-cv-12333-DRH-PMF
Lauren Terry, et al. v. Bayer Corp, et al.[4]	No. 3:11-cv-12280-DRH-PMF
Heather Ward, et al. v. Bayer HealthCare Pharmaceuticals, Inc., et al.[5]	No. 3:11-cv-12404-DRH-PMF
Sheila Woodard, et al. v. Bayer Corp, et al.[6]	No. 3:11-cv-13232-DRH-PMF
Heshima Worthington, et al. v. Bayer Pharmaceuticals Corp., et al.[7]	No. 3:11-cv-12959-DRH-PMF

[1] This order applies only to plaintiff Shaunda Cantrell.
[2] This order applies only to plaintiff Katie King.
[3] This order applies only to plaintiff Billie Jo Goodfellow.
[4] This order applies only to plaintiff Courtney Hernandez.
[5] This order applies only to plaintiff Stephanie Wood.
[6] This order applies only to plaintiff Gina Vona.
[7] This order applies only to plaintiff Heshima Worthington and her spouse, Christopher Atkinson.

ORDER DISMISSING WITH PREJUDICE

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.[8]

On June 29, 2012, Bayer HealthCare Pharmaceuticals Inc. moved to dismiss the above captioned matters without prejudice for failure to comply with PFS obligations.[9] The Court granted the motion on August 20, 2012.[10]

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.**"[11]

On March 27, 2013, more than 60 days after the entry of the order of dismissal without prejudice, Bayer HealthCare Pharmaceuticals Inc. filed the

---

[8] The motion to dismiss filed by Bayer HealthCare Pharmaceuticals Inc. on March 27, 2013 sought dismissal of certain plaintiffs in 30 member actions. This order addresses the multi-plaintiff actions where no responsive pleading was filed. The single plaintiff actions (including actions involving consortium claims) and the member actions where a responsive pleading was filed are addressed in separate orders.

[9] Guerin, et al. DOC. 10; Hamrick, et al. DOC. 6; Richardson Campbell, et al. DOC. 6; Terry, et al. DOC. 6; Ward, et al. DOC. 6; Woodard, et al. DOC. 9; Worthington, et al. DOC. 6.

[10] Guerin, et al. DOC. 11; Hamrick, et al. DOC. 7; Richardson Campbell, et al. DOC. 7; Terry, et al. DOC. 7; Ward, et al. DOC. 7; Woodard, et al. DOC. 10; Worthington, et al. DOC. 7.

[11] Guerin, et al. DOC. 11; Hamrick, et al. DOC. 7; Richardson Campbell, et al. DOC. 7; Terry, et al. DOC. 7; Ward, et al. DOC. 7; Woodard, et al. DOC. 10; Worthington, et al. DOC. 7 (emphasis in original).

subject motion stating that the specified 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,

The Court notes that, pursuant to Section E of CMO 12, "[u]nless Plaintiff has served Defendants with a completed PFS or has moved to vacate the dismissal without prejudice within 60 days after entry of any such Order of Dismissal without Prejudice, the order will be converted to a Dismissal With Prejudice **upon** Defendants' motion." (MDL 2100 Doc. 836) (emphasis added). Accordingly, the Court could have immediately converted the above captioned dismissals to dismissals with prejudice on March 27, 2013, the day Bayer HealthCare Pharmaceuticals Inc. filed the subject motion. More than 30 days have passed since Bayer HealthCare Pharmaceuticals Inc.'s motion was filed. Thus, the plaintiffs have had ample time to cure the any PFS deficiencies and avoid a with prejudice dismissal of their claims.

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

The specified 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 claims of the specified plaintiffs in the above captioned actions are hereby dismissed WITH prejudice**.

Further, the Court **DIRECTS** the Clerk of the Court to enter judgment reflecting the same at the close of the above captioned cases.

SO ORDERED:

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