

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

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

<i>Rebecca Adams, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> <sup>1</sup>	No. 3:11-cv-13025-DRH-PMF
<i>Jennifer Alforejy, et al. v. Bayer Corporation, et al.</i> <sup>2</sup>	No. 3:11-cv-12970-DRH-PMF
<i>Christina Brown, et al. v. Bayer Corporation, et al.</i> <sup>3</sup>	No. 3:10-cv-11539-DRH-PMF
<i>Stephanie Caldarello, et al. v. Bayer Corporation, et al.</i> <sup>4</sup>	No. 3:10-cv-13401-DRH-PMF
<i>Lisa Caputo, et al. v. Bayer Corporation, et al.</i> <sup>5</sup>	No. 3:13-cv-10304-DRH-PMF
<i>Andrea Fast, et al. v. Bayer Corporation, et al.</i> <sup>6</sup>	No. 3:13-cv-10287-DRH-PMF
<i>Jessica George, et al. v. Bayer Schering Pharma AG.</i> <sup>7</sup>	No. 3:12-cv-11406-DRH-PMF
<i>Tamera Hall, et al. v. Bayer Corporation, et al.</i> <sup>8</sup>	No. 3:13-cv-10301-DRH-PMF
<i>Cynthia Hurst, et al. v. Bayer Corporation, et al.</i> <sup>9</sup>	No. 3:13-cv-10267-DRH-PMF
<i>Paula Krutilek, et al. v. Bayer Corporation, et al.</i> <sup>10</sup>	No. 3:12-cv-10698-DRH-PMF
<i>Jessica McDaniel, et al. v. Bayer Corporation, et al.</i> <sup>11</sup>	No. 3:13-cv-10096-DRH-PMF
<i>Tawnya Portwood, et al. v. Bayer Corporation, et al.</i> <sup>12</sup>	No. 3:12-cv-11405-DRH-PMF

<sup>1</sup> This Order applies only to plaintiff Joymarie Verdisco.

<sup>2</sup> This Order applies only to plaintiff Christy Stanford.

<sup>3</sup> This Order applies only to plaintiff Anastasia Yarmy.

<sup>4</sup> This Order applies only to plaintiff Robin Cook.

<sup>5</sup> This Order applies only to plaintiff Betty Joslin.

<sup>6</sup> This Order applies only to plaintiffs Lasenda Gaines.

<sup>7</sup> This Order applies only to plaintiff Tiffany Spiers.

<sup>8</sup> This Order applies only to plaintiff Tamera Hall.

<sup>9</sup> This Order applies only to plaintiff Cynthia Hurst.

<sup>10</sup> This Order applies only to plaintiff Stacy Harris.

<sup>11</sup> This Order applies only to plaintiffs Barbara Mason and Jennifer White.

<i>Shelby Roker, et al. v. Bayer Corporation, et al.</i> <sup>13</sup>	No. 3:13-cv-10266-DRH-PMF
<i>Brittany Senko, et al. v. Bayer Corporation, et al.</i> <sup>14</sup>	No. 3:12-cv-11404-DRH-PMF
<i>Angela Solomon, et al. v. Bayer Corporation, et al.</i> <sup>15</sup>	No. 3:11-cv-10161-DRH-PMF
<i>Jenna Sumrall, et al. v. Bayer Corporation, et al.</i> <sup>16</sup>	No. 3:11-cv-12523-DRH-PMF
<i>Casey Szkola, et al. v. Bayer Corporation, et al.</i> <sup>17</sup>	No. 3:11-cv-12882-DRH-PMF
<i>Lauren Terry, et al. v. Bayer Corporation, et al.</i> <sup>18</sup>	No. 3:11-cv-12280-DRH-PMF
<i>Mandy Winkler, et al. v. Bayer Corporation, et al.</i> <sup>19</sup>	No. 3:11-cv-10971-DRH-PMF

**ORDER GRANTING MOTION TO DISMISS WITH PREJUDICE**

**HERNDON, District Judge:**

On November 24, 2014, Bayer filed a motion to dismiss with prejudice, pursuant to Case Management Order 60 (“CMO 60”), the above captioned plaintiffs’ claims for failure to submit complete Claim Package Materials.<sup>20</sup>

Pursuant to the Court’s local rules, the plaintiffs had 30 days to file a responsive pleading. None of the above captioned plaintiffs filed a responsive pleading. At the expiration of the responsive pleading deadline, as is required under CMO 60, the motion was considered by Special Master Stephen

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<sup>12</sup> This Order applies only to plaintiff Tawnya Portwood.

<sup>13</sup> This Order applies only to plaintiff Jelani Sims.

<sup>14</sup> This Order applies only to plaintiff Lynne Wilber.

<sup>15</sup> This Order applies only to plaintiff Courtney Henthorne.

<sup>16</sup> This Order applies only to plaintiff Jenna Sumrall.

<sup>17</sup> This Order applies only to plaintiff Jennifer Raeke.

<sup>18</sup> This Order applies only to plaintiff Lauren Terry.

<sup>19</sup> This Order applies only to plaintiffs Samantha Moss and Mandy Winkler.

<sup>20</sup> Pursuant to the “Settlement Agreement,” Exhibit A to CMO 60, plaintiffs enrolled in the Gallbladder Resolution Program are required to submit to the Claims Administrator all the Claim Package Materials identified in Section 3.03(a) of the Settlement Agreement. Section 3.01 of the Settlement Agreement fixed November 18, 2013 as the deadline for submission of a complete Claims Package. The subject motion asserts that the plaintiffs have failed to comply with this requirement.

Saltzburg.<sup>21</sup> On January 8, 2015, Special Master's Saltzburg's report and recommendation relating to the above captioned cases was docketed. In each case, Special Master Saltzburg found that the subject plaintiffs failed to comply with the requirements of CMO 60 and recommended that the subject plaintiffs' claims be dismissed with prejudice in accord with the requirements of CMO 60.

The parties were given 14 days to respond or object to Special Master Saltzburg's report and recommendation. The deadline for responding or objecting to the Special Master's report has expired. None of the above captioned plaintiffs have responded or objected.

Upon consideration of Bayer's motion to dismiss, the Special Master's report, and the requirements of CMO 60, the Court finds that the above captioned plaintiffs have failed to comply with CMO 60.

Accordingly, the claims of the above captioned plaintiffs are **DISMISSED WITH PREJUDICE**.

**FURTHER**, the Court directs the Clerk of the Court to enter judgment reflecting the same in the following cases:

1. *Rebecca Adams, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.* No. 3:11-cv-13025-DRH-PMF
2. *Jennifer Alforejy, et al. v. Bayer Corporation, et al.* No. 3:11-cv-12970-DRH-PMF

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<sup>21</sup> Section VIII of CMO 60 "appoints Professor Stephen Saltzburg as Special Master to hear motions to dismiss claims that fail to comply with the terms of the Agreement, and to recommend to this Court rulings on such motions, as specified in the Agreement" (Doc. 2739 p. 8).

3. *Stephanie Caldarello, et al. v. Bayer Corporation, et al.* No. 3:10-cv-13401-DRH-PMF
4. *Lisa Caputo, et al. v. Bayer Corporation, et al.* No. 3:13-cv-10304-DRH-PMF
5. *Jessica George, et al. v. Bayer Schering Pharma AG.* No. 3:12-cv-11406-DRH-PMF
6. *Tamera Hall, et al. v. Bayer Corporation, et al.* No. 3:13-cv-10301-DRH-PMF
7. *Cynthia Hurst, et al. v. Bayer Corporation, et al.* No. 3:13-cv-10267-DRH-PMF
8. *Shelby Roker, et al. v. Bayer Corporation, et al.* No. 3:13-cv-10266-DRH-PMF
9. *Brittany Senko, et al. v. Bayer Corporation, et al.* No. 3:12-cv-11404-DRH-PMF
10. *Angela Solomon, et al. v. Bayer Corporation, et al.* No. 3:11-cv-10161-DRH-PMF
11. *Jenna Sumrall, et al. v. Bayer Corporation, et al.* No. 3:11-cv-12523-DRH-PMF
12. *Casey Szkola, et al. v. Bayer Corporation, et al.* No. 3:11-cv-12882-DRH-PMF
13. *Lauren Terry, et al. v. Bayer Corporation, et al.* No. 3:11-cv-12280-DRH-PMF
14. *Mandy Winkler, et al. v. Bayer Corporation, et al.* No. 3:11-cv-10971-DRH-PMF

**IT IS SO ORDERED.**

Signed this 26th day of January, 2015.

Digitally signed by  
David R. Herndon  
Date: 2015.01.26  
14:43:09 -06'00'



**United States District Judge**