

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

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

**This Document Relates to:**

*Cecelia A. Pancotti v. Bayer Corporation, et al.* No. 3:12-cv-11154-DRH-PMF

**ORDER**

**HERNDON, District Judge:**

On November 22, 2016, Bayer filed a motion seeking with prejudice dismissal, of the above captioned action. The motion seeks dismissal, pursuant to Section II of Case Management Order 60 (“CMO 60”).

After receiving an extension, Plaintiff filed a response on December 22, 2016. (Doc. 20). Thereafter, as is required under CMO 60, the motion was considered by Special Master Stephen Saltzburg.<sup>1</sup> On December 27, 2016, Special Master’s Saltzburg’s report and recommendation was docketed. (Doc. 21). The 14 day deadline for responding or objecting to the Special Master’s report has expired. Neither party has responded or objected.

Special Master Saltzburg recommends dismissal of Plaintiff’s claim with prejudice for failure to comply with Section II of CMO 60. Upon consideration of

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<sup>1</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).

Bayer's motion to dismiss, Plaintiff's response, the Special Master's report, and the requirements of CMO 60, the Court finds that Plaintiff failed to comply with CMO 60. As observed by the Special Master, it is now too late to cure the identified deficiencies because the Gallbladder Resolution Program has no provision to excuse non-compliance for reasons offered by Plaintiff.

Accordingly, the Court adopts Special Master Saltzburg's report and recommendation. The above captioned action is **DISMISSED WITH PREJUDICE** for failure to comply with the requirements of CMO 60.

**IT IS SO ORDERED.**

Signed this 3rd day of February, 2017.

*David R. Herndon*



Digitally signed by  
Judge David R. Herndon  
Date: 2017.02.03  
16:38:00 -06'00'

**United States District Judge**