

**IN THE UNITED STATES DISTRICT COURT
FOR THE 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:

<i>Jessica Caffey, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ¹	13-cv-10500-DRH-PMF
<i>Chasity Charles v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	13-cv-10606-DRH-PMF
<i>Brenda Dehn, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ²	13-cv-10501-DRH-PMF
<i>Rushaine Ellis, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ³	13-cv-10555-DRH-PMF
<i>Renee Farha, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ⁴	12-cv-11304-DRH-PMF
<i>Jennifer Gibson, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ⁵	13-cv-10554-DRH-PMF
<i>Doris Gilchrist, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ⁶	13-cv-10552-DRH-PMF
<i>Kirstie Gillespie, et al. v. Bayer Corporation, et al.</i> ⁷	13-cv-10062-DRH-PMF
<i>Mia Gladney, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ⁸	13-cv-10513-DRH-PMF

¹ This Order applies only to plaintiff Wendy Liebler.

² This Order applies only to plaintiff Brenda Dehn.

³ This Order applies only to plaintiffs Rahima Akter, Rushaine Ellis, and Jackie Whaley.

⁴ This Order applies only to plaintiff Jessica Welsh.

⁵ This Order applies only to plaintiffs Deana Hampton, Alyce Russell, and Maura Sullivan.

⁶ This Order applies to all plaintiffs in the *Gilchrist* case: Doris Gilchrist, Tracey Hurst, Kimberly Moody, and Donna Puryear.

⁷ This Order applies only to plaintiffs Breanna Barnes and Heather Deel.

<i>Angela Hale. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	13-cv-10607-DRH-PMF
<i>Caroline Hamm v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	13-cv-10252-DRH-PMF
<i>Jeronda Harbison v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	13-cv-10259-DRH-PMF
<i>Shiree Harper, et al v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ⁹	13-cv-10505-DRH-PMF
<i>Cynthia Holden v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ¹⁰	13-cv-10553-DRH-PMF
<i>Linda Irby v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	13-cv-10250-DRH-PMF
<i>Gayle Keaton, et al. v. Bayer Corporation, et al.</i> ¹¹	13-cv-10459-DRH-PMF
<i>Michelle Knight v. Bayer HealthCare Pharmaceuticals Inc, et al.</i>	13-cv-10269-DRH-PMF
<i>Sarah Larsen, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ¹²	13-cv-10551-DRH-PMF
<i>Tanya Meade, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ¹³	13-cv-10556-DRH-PMF
<i>Claudia Mendoza, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ¹⁴	13-cv-10519-DRH-PMF
<i>Dorothy Minnis v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	13-cv-10274-DRH-PMF

⁸ This Order applies only to plaintiff Jessica McGuire.

⁹ This Order applies only to plaintiff Shiree Harper.

¹⁰ This Order applies to all plaintiffs in the *Holden* case: Cynthia Holden, Wanda Joyner, Lakita Lee, and Lindsey Rizzo.

¹¹ This Order applies only to plaintiffs Kayla Renfro and Jasmine White.

¹² This Order applies only to plaintiffs Shwanda Cannon, Sarah Larsen, and Angie Walton.

¹³ This Order applies to all plaintiffs in the *Meade* case: Denise Cloud-Cooper, Barbara Eckman, Tanya Meade, and Daishadika Perry.

¹⁴ This Order applies only to plaintiff Claudia Mendoza.

<i>Candice Mudgett, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ¹⁵	13-cv-10512-DRH-PMF
<i>Bridgette Newton v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	13-cv-10272-DRH-PMF
<i>Melissa Phifer v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	13-cv-10271-DRH-PMF
<i>Shawonna Price v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	13-cv-10273-DRH-PMF
<i>Carri Rangel v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	13-cv-10482-DRH-PMF
<i>Robyn Roberts, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ¹⁶	13-cv-10550-DRH-PMF
<i>Christine Semere v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	13-cv-10608-DRH-PMF
<i>Andrea Simelton v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	13-cv-10277-DRH-PMF
<i>Sandra Southern v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	13-cv-10268-DRH-PMF
<i>Brandi Spriggs v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	13-cv-10615-DRH-PMF
<i>Alma Taylor v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	13-cv-10288-DRH-PMF
<i>Debra Thomas v. Bayer Corporation, et al.</i>	13-cv-10223-DRH-PMF
<i>Julie Utley, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ¹⁷	13-cv-10213-DRH-PMF

ORDER OF DISMISSAL WITHOUT PREJUDICE

¹⁵ This Order applies only to plaintiff Ana Guerriero.

¹⁶ This Order applies only to plaintiffs Crystal Naughton and Robyn Roberts.

¹⁷ This Order applies only to plaintiff Heather Tsosie.

(Failure To Comply With PFS Obligations)

HERNDON, Chief Judge:

This matter is before the Court on the Bayer defendants' motion, pursuant to Case Management Order 12 ("CMO 12")¹⁸ for an order of dismissal, without prejudice, of the plaintiffs' claims in the above captioned cases for failure to comply with Plaintiff Fact Sheet ("PFS") obligations.

Under Section C of CMO 12, each plaintiff is required to serve defendants with a completed PFS, including a signed declaration, executed record release authorizations, and copies of all documents subject to the requests for production contained in the PFS which are in the possession of plaintiff. Section B of CMO 12 further provides that a completed PFS is due "45 days from the date of service of the first answer to her Complaint or the docketing of her case in this MDL, or 45 days from the date of this Order, whichever is later."

Accordingly, the plaintiffs in the above-captioned matters were to have served completed PFSs roughly one year ago, in August or September 2013. Per Section E of CMO 12, Notice of Overdue Discovery was sent on November 18, 2013. As of the filing of Bayer's motion to dismiss, Bayer still had not received completed PFS materials from the plaintiffs in the above-captioned matters and the plaintiffs' PFS materials are overdue by twelve months.

¹⁸ The parties negotiated and agreed to CMO 12, which expressly provides that the discovery required of plaintiffs is not objectionable. CMO 12 § A(2).

Under Section E of CMO 12, the above listed **plaintiffs were given 14 days from the date of Bayer's motion** to file a response either certifying that they served upon defendants and defendants received a completed PFS, and attaching appropriate documentation of receipt or an opposition to defendant's motion.

To date, none of the above listed plaintiffs filed responses.

Accordingly, THE COURT ORDERS AS FOLLOWS:

As to the above listed plaintiffs, the motion to dismiss is **GRANTED**. **The claims of the above listed plaintiffs are hereby dismissed without prejudice.**

FURTHER, The Court reminds the **above listed plaintiffs** that, pursuant to CMO 12 Section E, **unless they serve the defendants with a COMPLETED PFS or moves 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.**

So Ordered:

 Digitally signed by
David R. Herndon
Date: 2014.09.03
12:12:06 -05'00'

**Chief Judge
United States District Court**

Date: September 3, 2014