

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

IN RE: PRADAXA (DABIGATRAN)	3:12-MD-02385-DRH-SCW
ETEXILATE) PRODUCTS)	
LIABILITY LITIGATION)	MDL NO. 2385
)	
)	CHIEF JUDGE DAVID R. HERNDON

THIS DOCUMENT RELATES TO:

JOE STILWELL V. BOEHRINGER INGELHEIM PHARMACEUTICALS, INC., AND BOEHRINGER INGELHEIM INTERNATIONAL GMBH	3:13-CV-50355-DRH-SCW
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DONALD CARTNER V. BOEHRINGER INGELHEIM PHARMACEUTICALS, INC., AND BOEHRINGER INGELHEIM INTERNATIONAL GMBH	3:13-CV-50393-DRH-SCW
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ROGER POCRNICH V. BOEHRINGER INGELHEIM PHARMACEUTICALS, INC., AND BOEHRINGER INGELHEIM INTERNATIONAL GMBH	3:13-CV-50389-DRH-SCW
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DOUGLAS HEDGPETH V. BOEHRINGER INGELHEIM PHARMACEUTICALS, INC., AND BOEHRINGER INGELHEIM INTERNATIONAL GMBH	3:13-CV-50661-DRH-SCW
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GLORIA LOYD V. BOEHRINGER INGELHEIM PHARMACEUTICALS, INC., AND BOEHRINGER INGELHEIM INTERNATIONAL GMBH	3:13-CV-51097-DRH-SCW
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FLOYD PEDONE V. BOEHRINGER	3:13-CV-51094-DRH-SCW
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INGELHEIM PHARMACEUTICALS,
INC., AND BOEHRINGER INGELHEIM
INTERNATIONAL GMBH

CAROL SCHWEITZER, INDIVIDUALLY
AND AS REPRESENTATIVE OF THE
ESTATE OF ROBERT SCHWEITZER,
DECEASED, V. BOEHRINGER
INGELHEIM PHARMACEUTICALS,
INC., AND BOEHRINGER INGELHEIM
INTERNATIONAL GMBH

3:13-CV-51099-DRH-SCW

JOHN REED V. BOEHRINGER
INGELHEIM PHARMACEUTICALS,
INC., AND BOEHRINGER INGELHEIM
INTERNATIONAL GMBH

3:13-CV-51098-DRH-SCW

RONALD SANTEE V. BOEHRINGER
INGELHEIM PHARMACEUTICALS,
INC., AND BOEHRINGER INGELHEIM
INTERNATIONAL GMBH

3:13-CV-51096-DRH-SCW

CURTIS CLAYTON V. BOEHRINGER
INGELHEIM PHARMACEUTICALS,
INC., AND BOEHRINGER INGELHEIM
INTERNATIONAL GMBH

3:13-CV-51136-DRH-SCW

PATRICIA LYNCH V. BOEHRINGER
INGELHEIM PHARMACEUTICALS,
INC., AND BOEHRINGER INGELHEIM
INTERNATIONAL GMBH

3:13-CV-51347-DRH-SCW

BRIAN WAGNER V. BOEHRINGER
INGELHEIM PHARMACEUTICALS,
INC., AND BOEHRINGER INGELHEIM
INTERNATIONAL GMBH

3:13-CV-50656-DRH-SCW

ORDER GRANTING DISMISSAL WITHOUT PREJUDICE

HERNDON, Chief Judge:

This matter is before the Court on the Defendants' (Boehringer Ingelheim Pharmaceuticals Inc. and Boehringer Ingelheim International GmbH) motions, pursuant to Federal Rule of Civil Procedure 41(b), for an order dismissing the above captioned plaintiffs' claims without prejudice for failure to file an appearance as required by this Court's Order and Local Rule 83.1(g)(2).¹

The Court granted motions to withdraw filed by Plaintiffs' counsel on the following dates:

1. Joe Stilwell– September 26, 2013 (Doc. 7)
2. Douglas Hedgpeth - December 13, 2013 (Doc. 6)
3. Brian Wagner– December 13, 2013 (Doc. 6)
4. Donald Cartner– January 13, 2013 (Doc. 6)
5. Roger Pocrnich– January 13, 2014 (Doc. 6)
6. Curtis Clayton– February 5, 2014 (Doc. 8)
7. Floyd Pedone– February 11, 2014 (Doc. 6)
8. Carol Schweitzer– February 11, 2014 (Doc. 6)
9. Gloria Loyd– February 14, 2014 (Doc. 6)
10. John Reed– February 14, 2014 (Doc. 6)
11. Ronald Santee– February 14, 2014 (Doc. 6)

¹ The Court notes that plaintiff Donald Hellbaum (3:13-50414-DRH-SCW) is referenced in the body of the defendants' motion but not the caption. Further, a motion to dismiss plaintiff Hellbaum's claims was not filed in plaintiff Hellbaum's member action. Accordingly, this order does not address any issues pertaining to plaintiff Hellbaum.

12. Patricia Lynch– March 18, 2014 (Doc. 6)

In each case, the Court’s Order provided that “if plaintiffs or plaintiffs’ new counsel fails to file a supplementary entry of appearance within 21 days of the entry of this Order, plaintiff’s action will be subject to dismissal without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute or to comply with the orders of this Court.” To date, and in violation of the Orders and Local Rule 83.1(g), Plaintiffs have not filed a supplementary appearance. In addition, none of the above captioned plaintiffs has responded to the instant motion to dismiss.

Further, Plaintiffs Stilwell, Hedgpeth, Cartner, Pocrnich, Pedone, Schweitzer, Loyd, Reed, Santee, Clayton and Lynch have prejudiced BIPI and BII by failing to provide Plaintiff Fact Sheet (“PFS”) information. The PFS information was due in each case as follows:

1. Joe Stilwell – October 20, 2013²
2. Douglas Hedgpeth – January 11, 2014³
3. Donald Cartner – December 25, 2013⁴
4. Roger Pocrnich – December 25, 2013⁵
5. Curtis Clayton – February 17, 2014⁶
6. Floyd Pedone – February 8, 2014⁷

² BIPI and BII answered the *Stillwell* complaint on 9/5/2013 & 9/6/2013, respectively. (Docs 5 & 6)

³ BIPI and BII answered the *Hedgpeth* complaint on 9/27/2013 & 10/2/2013, respectively. (Docs 3 & 4)

⁴ BIPI and BII answered the *Cartner* complaint on 9/10/2013 & 9/11/2013, respectively. (Docs 3 & 4)

⁵ BIPI and BII answered the *Pocrnich* complaint on 9/10/2013 & 9/11/2013, respectively. (Docs 3 & 4)

⁶ BIPI and BII answered the *Clayton* complaint on 12/2/2013 & 12/3/2013, respectively. (Docs 3 & 4)

7. Carol Schweitzer – February 9, 2014⁸
8. Gloria Loyd – February 8, 2014⁹
9. John Reed – February 8, 2014¹⁰
10. Ronald Santee – February 8, 2014¹¹
11. Patricia Lynch – March 9, 2014¹²

To date, and in violation of CMO 15, as amended, the above-mentioned Plaintiffs have not served a fact sheet. These PFSs are overdue.

The plaintiffs must comply with the Local Rules and this Court's orders. Fed. R. Civ. P. 41(b). Accordingly, for the reasons stated herein, the claims of the above captioned plaintiffs are hereby dismissed without prejudice.

SO ORDERED:

 Digitally signed by
David R. Herndon
Date: 2014.05.21
11:43:42 -05'00'



**Chief Judge
United States District Court**

Date: May 21, 2014

⁷ BIPI and BII answered the *Pedone* complaint on 11/25/2013 & 11/27/2013, respectively. (Docs 3 & 4)

⁸ BIPI and BII answered the *Schweitzer* complaint on 11/25/2013 & 11/27/2013, respectively. (Docs 3 & 4)

⁹ BIPI and BII answered the *Loyd* complaint on 11/25/2013 & 11/27/2013, respectively. (Docs. 3 & 4)

¹⁰ BIPI and BII answered the *Reed* complaint on 11/25/2013 & 11/27/2013, respectively. (Docs 3 & 4)

¹¹ BIPI and BII answered the *Santee* complaint on 11/25/2013 & 11/27/2013, respectively. (Docs 3 & 4)

¹² BIPI and BII answered the *Lynch* complaint on 1/23/2014. (Docs 3 & 4)