

**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 Alldredge, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ¹	No. 3:14-cv-10182-DRH-PMF
<i>Jessica Alsup v. Bayer Corporation, et al.</i>	No. 3:13-cv-10901-DRH-PMF
<i>Alicia Arrambide v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:14-cv-10121-DRH-PMF
<i>Kimberly Boston v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:14-cv-10104-DRH-PMF
<i>Rebecca Burtch, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ²	No. 3:14-cv-10026-DRH-PMF
<i>Noel Chiarelli v. Bayer Corporation, et al.</i>	No. 3:13-cv-10712-DRH-PMF
<i>Tammy Childree v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:14-cv-10119-DRH-PMF
<i>Charity Cooksey, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ³	No. 3:14-cv-10232-DRH-PMF
<i>Maria Coria, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ⁴	No. 3:14-cv-10178-DRH-PMF
<i>Deja Declouet, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ⁵	No. 3:14-cv-10024-DRH-PMF

¹ This order applies to all plaintiffs.

² This order applies only to plaintiff Christina Dizick.

³ This order applies only to plaintiffs Janice Craft and Kathleen Green.

⁴ This order applies only to plaintiff Grace Barboa.

⁵ This order applies only to plaintiffs Deja Declouet and Michelle Whidden.

<i>Jill DeQuardo v. Bayer Corporation, et al.</i>	No. 3:14-cv-10156-DRH-PMF
<i>Angela Dobie v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:14-cv-10093-DRH-PMF
<i>Jasmine Fuller, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ⁶	No. 3:14-cv-10022-DRH-PMF
<i>Ilena George v. Bayer Corporation, et al.</i>	No. 3:14-cv-10044-DRH-PMF
<i>Debbie Goodman, et al. v. Bayer Corporation, et al.</i> ⁷	No. 3:13-cv-10820-DRH-PMF
<i>Stacy Gruen v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:14-cv-10125-DRH-PMF
<i>Takiesa Harris v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:14-cv-10005-DRH-PMF
<i>Greteta Holliday v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:14-cv-10088-DRH-PMF
<i>Diane Colon Jackson v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:14-cv-10146-DRH-PMF
<i>Geraldine Jackson v. Bayer Corporation, et al.</i>	No. 3:14-cv-10045-DRH-PMF
<i>Rufus Johnston, Personal Representative of the Estate of Chauna Jackson v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:14-cv-10087-DRH-PMF
<i>Charlene Jones v. Bayer Corporation, et al.</i>	No. 3:14-cv-10148-DRH-PMF
<i>Heather Jones v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:14-cv-10102-DRH-PMF
<i>Karen Jones v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:14-cv-10120-DRH-PMF
<i>Jill Lansing v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:14-cv-10036-DRH-PMF
<i>Katrina McBride v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:14-cv-10086-DRH-PMF

⁶ This order applies only to plaintiff Luciane Rocha.

⁷ This order applies only to plaintiffs Ebony Bennett and Detra Brown.

<i>Bonnie McGarr v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:14-cv-10109-DRH-PMF
<i>Danielle McGauley v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:14-cv-10117-DRH-PMF
<i>Jeany Melendez, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ⁸	No. 3:14-cv-10185-DRH-PMF
<i>Rhonda Peterson v. Bayer Corporation, et al.</i>	No. 3:14-cv-10252-DRH-PMF
<i>Prekaya Pittman v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:14-cv-10085-DRH-PMF
<i>Fanny Quezada, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ⁹	No. 3:14-cv-10266-DRH-PMF
<i>Elizabeth Serie v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:14-cv-10004-DRH-PMF
<i>Brandy Slaughter v. Bayer Corporation, et al.</i>	No. 3:13-cv-10829-DRH-PMF
<i>Kristina Strickland v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:14-cv-10113-DRH-PMF
<i>Ann Taylor Owen, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ¹⁰	No. 3:14-cv-10029-DRH-PMF
<i>Michelle Volansky v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:14-cv-10081-DRH-PMF
<i>Sandra Ward v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:14-cv-10177-DRH-PMF
<i>Sheritta Washington v. Bayer Corporation, et al.</i>	No. 3:14-cv-10149-DRH-PMF
<i>ShaRita Wesley, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ¹¹	No. 3:14-cv-10034-DRH-PMF

⁸ This order applies only to plaintiff Jeany Melendez.

⁹ This order applies only to plaintiffs Doreen Everett, Lindsay Palefsky, and Valeria Williams.

¹⁰ This order applies only to plaintiff Crystal Bright.

¹¹ This order applies only to plaintiff Lisa Clermont.

ORDER OF DISMISSAL WITHOUT PREJUDICE
(Failure To Comply With PFS Obligations)

HERNDON, District Judge:

This matter is before the Court on the Bayer defendants' motion, pursuant to Case Management Order 12 ("CMO 12")¹² 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 between February and September of 2014. Per Section E of CMO 12, Notice of Overdue Discovery was sent on October 30, 2014. 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.

Under Section E of CMO 12, the **plaintiffs were given 14 days from the date of Bayer's motion** to file a response either certifying that they served upon

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

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 plaintiffs in the above captioned member actions has filed a response. Because the plaintiffs have failed to respond to Bayer's allegations, the Court finds that these plaintiffs have failed to comply with their PFS obligations under CMO 12. **Accordingly, the claims of the above captioned plaintiffs are hereby dismissed without prejudice.**

The Court reminds plaintiffs that, pursuant to CMO 12 Section E, **unless plaintiffs serve the 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.**

So Ordered:

 Digitally signed by
David R. Herndon
Date: 2015.01.22
16:30:45 -06'00'



**District Judge
United States District Court**

Date: January 22, 2015