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

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# **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:

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

<sup>&</sup>lt;sup>1</sup> This order applies to all plaintiffs.
<sup>2</sup> This order applies only to plaintiff Christina Dizick.
<sup>3</sup> This order applies only to plaintiffs Janice Craft and Kathleen Green.
<sup>4</sup> This order applies only to plaintiff Grace Barboa.

<sup>&</sup>lt;sup>5</sup> This order applies only to plaintiffs Deja Declouet and Michelle Whidden.

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

 <sup>&</sup>lt;sup>6</sup> This order applies only to plaintiff Luciane Rocha.
 <sup>7</sup> This order applies only to plaintifs Ebony Bennett and Detra Brown.

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

<sup>&</sup>lt;sup>8</sup> This order applies only to plaintiff Jeany Melendez.
<sup>9</sup> This order applies only to plaintiffs Doreen Everett, Lindsay Palefsky, and Valeria Williams.
<sup>10</sup> This order applies only to plaintiff Crystal Bright.
<sup>11</sup> 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")<sup>12</sup> 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 Feburary 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

 $<sup>^{12}\,</sup>$  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 <u>completed</u> 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 <u>Dismissal With Prejudice</u> upon defendants' motion.

#### So Ordered:

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

District Judge United States District Court Date: January 22, 2015