

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

REBECCA DALE, et al.,

Plaintiffs,

v.

Civil Action No. 2:13-cv-11272

ETHICON, INC., et al.,

Defendants.

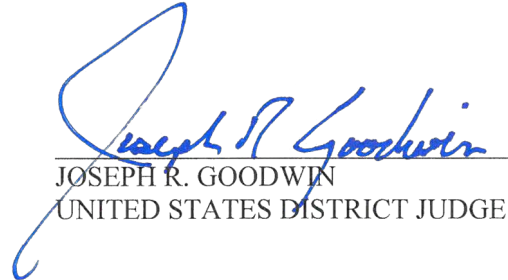
**MEMORANADUM OPINION AND ORDER**

On December 2, 2020, I entered an order directing plaintiffs to show cause on or before January 1, 2021, why their cases should not be dismissed as to Ethicon, Inc., Ethicon, LLC and Johnson & Johnson (collectively “Ethicon defendants”) for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and Rule 41.1 of the Local Rules of Civil Procedure.

Plaintiffs’ counsel responded to the show cause order indicating that plaintiffs have been uncommunicative. Plaintiffs have not shown good cause. The court **ORDERS**, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and Rule 41.1 of the Local Rules of Civil Procedure and after weighing the factors identified in *Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989), that Ethicon, Inc., Ethicon, LLC and Johnson & Johnson are dismissed without prejudice. No defendants remain, and the court **DIRECTS** the Clerk to dismiss the case and strike them from the active docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: January 11, 2021



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE