

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

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IN RE YASMIN AND YAZ : 3:09-md-02100-DRH-PMF
(DROSPIRENONE) MARKETING, SALES :
PRACTICES AND RELEVANT PRODUCTS : MDL No. 2100
LIABILITY LITIGATION :
----- : Judge David R. Herndon
This Document Relates to: ORDER

**Kathleen Woods v. Bayer Corp. et al. No.
3:09-cv-10196-DRH-PMF**

ORDER

This matter comes before the Court on Bayer HealthCare Pharmaceuticals Inc.'s ("Bayer") motion, pursuant to Case Management Order 12 ("CMO 12"), for an Order dismissing Plaintiff's case without prejudice for failure to comply with Plaintiff Fact Sheet obligations (Doc. 27). Pursuant to Section C of CMO 12, Plaintiff was required to timely serve Defendants with a substantially complete Plaintiff Fact Sheet. Plaintiff did not meet the deadline for serving the Defendants with her Plaintiff Fact Sheet and as a result Bayer filed this motion to dismiss.

Because Plaintiff is not presently represented by counsel,¹ the Court issues this Order to ensure that Plaintiff is aware of her obligations with regard to the Plaintiff Fact Sheet and the consequences for failing to timely comply with the Plaintiff Fact Sheet Obligations.

The Court hereby informs you that **if you do not act within 14 days of the date of this Order your claims will be dismissed without prejudice.**

To avoid having your claims dismissed you must

- 1) Mail a completed Plaintiff Fact Sheet and completed signed Authorizations to the Defendants. The Defendants must RECEIVE the Plaintiff Fact Sheet and completed signed Authorizations within 14 days of the date of this Order.
- 2) Within 14 days of the date of this Order, file a notice with the Court stating that the Defendants received your Plaintiff Fact Sheet and completed signed Authorizations.

The directions for completing your Plaintiff Fact Sheet Obligations and for mailing the documents to the Defendants are below.

¹ The Court notes that on July 21, 2010 Plaintiff's attorney filed a motion to withdraw as attorney pursuant to Local Rule 83.1 (Doc. 25). The motion to withdraw was granted on July 22, 2010 (Doc. 26). To date, no supplementary appearance has been filed indicating that Plaintiff has retained other counsel.

I. HOW TO COMPLETE AND MAIL YOUR PLAINTIFF FACT SHEET AND OTHER REQUIRED DOCUMENTS

A. PLAINTIFF FACT SHEET AND AUTHORIZATIONS

You must fill out the Plaintiff Fact Sheet. The Plaintiff Fact Sheet is attached to this Order as Exhibit 1. To Complete the Plaintiff Fact Sheet you must:

1. Answer the questions and provide the information requested on pages 1-29.
2. On pages 31-32, questions 1-17 ask about whether you have certain documents or materials in your possession. Answer “yes” or “no” to each of these questions. Make copies of any the documents or materials described in questions 1-17 that are in your possession.
3. Sign the Declaration on page 33.
4. Sign all of the Authorizations requested. The Authorizations you must sign are at the end of the Plaintiff Fact Sheet and are labeled as Exhibits A through H. You must also fill in all of the information requested in each Authorization. This includes the name of the records provider to whom the Authorization will be sent, your name, your social security number and your date of birth, and all of the other information contained in the Authorization form. You may leave the date blank on the Authorizations.

B. MAIL YOUR PLAINTIFF FACT SHEET, COMPLETED AUTHORIZATIONS, AND COPIES OF DOCUMENTS REQUESTED IN QUESTIONS 1-17 ON PAGES 31-32 OF THE PLAINTIFF FACT SHEET TO DEFENDANTS

The documents you must mail to Defendants are:

1. the completed Plaintiff Fact Sheet (fill out pages 1-33 and sign the declaration on page 33);
2. the completed signed authorizations (labeled as Exhibits A through H); and
3. the copies you made of any documents in your possession in response to questions 1-17 on pages 31-32 of the Plaintiff Fact Sheet.

Mail the documents, using FIRST CLASS MAIL, to Defendants' Counsel at:

YAZ MDL Plaintiff Fact Sheet
c/o Susan A. Weber, Esq.
Sidley Austin LLP
One South Dearborn
Chicago, IL 60603

The Defendants must **RECEIVE** the documents listed above **14 DAYS FROM THE DATE OF THIS ORDER OR YOUR CLAIMS WILL BE DISMISSED.**

C. FILE NOTICE WITH THIS COURT THAT DEFENDANTS HAVE RECEIVED YOUR PLAINTIFF FACT SHEET AND AUTHORIZATIONS

Within 14 days from the date of this Order, you must file a notice with this Court stating that the Defendants received your completed Plaintiff Fact Sheet and your completed signed Authorizations. **If you fail to do this your case will be dismissed.**

You will find information regarding representing yourself and filing documents with the Court online at:

<http://www.ilsd.uscourts.gov/Forms/PDF%20Forms/Pro-Se-Guide.pdf>.

Your case is part of the In Re: Yaz and Yasmin (Drospirenone) Marketing, Sales Practices, and Products Liability Litigation in the Southern District of Illinois. You can find helpful information regarding this litigation online at <http://www.ilsd.uscourts.gov/mdl/2100/mdl2100.htm>

II. SECOND OPTION

CMO 12 states that instead of completing the steps described above you may file a motion “in opposition” to Bayer’s motion to dismiss. This means that you may file a motion with the Court explaining why the Court should not dismiss your claims even though you have not complied with your Plaintiff Fact Sheet Obligations. If you choose to file a motion “in opposition” instead of providing Defendants with your Plaintiff Fact Sheet and Authorizations, the motion must be filed within 14 days of the date of this Order. If you do this, the Court will consider your arguments and issue an order. **If the Court disagrees with your arguments your claims may be still dismissed.**

III. SUMMARY

In Summary, you must complete and mail the following to the Defendants:

- 1) the Plaintiff Fact Sheet,
- 2) the Authorizations, and
- 3) copies of documents in your possession requested in questions 1-17 on pages 31-32 of the Plaintiff Fact Sheet.

Defendants must RECEIVE the documents within 14 days of the date of this Order. You must file notice with the Court stating that Defendants have RECEIVED the required documents within 14 days of the date of this Order. **If you do not do this your claims will be dismissed without prejudice.**

You may, instead, file a motion in opposition within 14 days of the date of this Order. But, if the Court disagrees with the arguments in your motion your claims may still be dismissed.

SO ORDERED:

/s/ David R. Herndon

Chief Judge
United States District

Date: September 23, 2010