FILED

DEC 0 6 2013

BRIAN R. MARTINOTTI
J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

IN RE YAZ®, YASMIN®, OCELLA®
LITIGATION

CASE NO. 287
Master Docket No. BER-L-3572-10 MT

CIVIL ACTION

FILED
DEC
BRIAN R. MA
J.S.C

MEMORANDUM DECISION

MARTINOTTI, J.S.C.

Before this Court were ninety-three (93) motions[1] to dismiss filed by Defendants Bayer (sixty-six (66) were returnable on October 11, 2013, one (1) was withdrawn and the remaining were unopposed; twenty-three (23) were returnable on October 25, 2013, with one (1) being withdrawn and three (3) being opposed[2]; one (1) returnable on November 8, 2013, one (1) returnable on November 22, 2013, and two (2) returnable today, December 6, 2013). The present motion is petitioning this Court, pursuant to Case Management Order No. 30, Section I, to dismiss Plaintiff's complain with prejudice for failure to provide the required discovery as ordered by this Court on March 15, 2013. See Case Management Order No. 39.

The *YAZ®, Yasmin®, Ocella®* Litigation was designated a Multi-County Litigation (MCL) by order of the Supreme Court on February 9, 2010. The cases were assigned to Bergen County on February 18, 2010. Since the MCL, forty-four (44) Case Management Orders have been entered. This Court has coordinated its efforts with the pending Multi-District Litigation (MDL), presided over by the Honorable David R. Herndon, Chief Judge, USDJ.

[1] For a complete list of individual Plaintiffs and their docket numbers, see attached exhibits.
[2] The Court heard argument and delivered an oral opinion on the record on October 25, 2013.

On March 15, 2013, this Court entered Case Management Order No. 39. Section I requires Plaintiffs to notify all individuals and companies with records relevant to Plaintiff's claim that said records must be preserved. Section I also requires Plaintiffs to serve copies of these notices on Defendant's counsel with a signed certification. For cases filed before March 26, 2013, the necessary documentation must have been provided to Bayer's counsel no later than July 8th, 201. Both Plaintiffs affected by today's decision filed their motions prior to March 26, 2013. Neither Plaintiff has fulfilled their obligations to provide the Defendants with the discovery as ordered, despite Defendant's noticing Plaintiffs of their deficiencies and giving them until October 31, 2013 to cure. Neither Plaintiff has done so.

Case Management No. 39 allows Defendants to move the Court for an Order dismissing the Complaint with Prejudice if deficiencies are not cured within ten (10) days of Defendant's notice of deficiencies. The Plaintiffs have not complied with the deadlines established in Case Management Order No. 39. Specifically, they have not submitted notices and certifications. Counsel for Defendants contacted the Plaintiff via letter and notified them of their deficiencies, giving them until October 31, 2013 to cure. When Plaintiffs failed to cure, Defendants moves before this Court on November 4, 2013 to dismiss the Complaint with Prejudice for failure to comply with Case Management Order No. 39. This Court finds that Plaintiffs have not complied with this Court's order[3] and therefore, the Defendant's motion to Dismiss these two Complaints with Prejudice is GRANTED.

[3] The Court has reviewed Special Master Saltzburg's Recommendation on these motions.

EXHIBIT A

Motions to Dismiss with Prejudice

Return date October 11, 2013

Plaintiff	Attorney/firm	Docket Number	Complaint File	Notices Due	Letter Sent/P
Claudia Mae Kopinski	Sindu S. Daniel (Seeger Weiss LLP)	BER-L-007402-11	6/7/2011	7/8/2013	7/26/2013
Zena Muzyczenko	Sindu S. Daniel (Seeger Weiss LLP)	BER-L-7063-11	6/17/2011	8-Jul	7/26/2013
~~Jamie Crawford~~	~~Jeffrey Messinger (Milberg LLP)~~	~~BER-L-3785-10~~	~~12/24/2009~~	~~7/8/2013~~	~~7/26/2013~~
Jennifer Stevens	David s. Rather (Morelli Ratner)	BER-L-6486-11	5/9/2011	7/8/2013	7/26/2013
Hope Bailey	Roopal Luhana (Chaffin Luhana)	BER-L-7089-11	6/30/2011	7/8/2013	7/26/2013
Anastasia McCleary	Theodore Oshman (Oshman & Mirisola)	BER-L-1457-11	1/24/2011	7/8/2013	7/26/2013
Krystal Shannon	Paul Rheingold (Rheingold, Valet, Rheingol	BER-L-6768-10	9/22/2013	7/8/2013	7/26/2013
Danielle Hensley	William Bross (Heninger Garrison Davis)	BER-L-2095-11	3/3/2011	7/8/2013	7/26/2013
Jennifer Myers-Own	Fred Thompson III (Motley Rice LLC)	BER-L-317-12	11/21/2011	7/8/2013	7/26/2013
Jennifer Ribaudo	David Zoll (Zoll, Kranz & Borgess)	BER-L-6551-10	5/28/2010	7/8/2013	7/26/2013
Vivian Alinskas	David Zoll (Zoll, Kranz, & Borgess)	BER-L-11755-10	12/3/2010	7/8/2013	7/26/2013
Melissa Shufon	David Zoll (Zoll, Kranz & Borgess)	BER-L-9498-10	10/1/2010	7/8/2013	7/26/2013
Heather Mitchell	David Zoll (Zoll, Kranz & Borgess)	BER-L-3833-10	12/14/2009	7/8/2013	7/26/2013
Kia Elder	David Zoll (Zoll, Kranz & Borgess)	BER-L-11729-10	11/23/2010	7/8/2013	7/26/2013
Shequana Edwards	David Zoll (Zoll, Kranz & Borgess)	BER-L-9385-10	9/28/2010	7/8/2013	7/26/2013
Amy Martin	David Zoll (Zoll, Kranz & Borgess)	BER-L-9378-10	9/28/2010	7/8/2013	7/26/2013
Jennifer D'Antonio	David Zoll (Zoll, Kranz & Borgess)	BER-L-9390-10	9/28/2010	7/8/2013	7/26/2013
Lauren Bucksner	David Zoll (Zoll, Kranz & Borgess)	BER-L-9504-10	10/1/2010	7/8/2013	7/26/2013
Tanika Wright	David Zoll (Zoll, Kranz & Borgess)	BER-L-9721-10	10/4/2010	7/8/2013	7/26/2013
Cathelyne Salisbury	David Zoll (Zoll, Kranz & Borgess)	BER-L-11772-10	12/3/2010	7/8/2013	7/26/2013
Alexandra Romeo	David Zoll (Zoll, Kranz & Borgess)	BER-L-10951-10	10/26/2010	7/8/2013	7/26/2013
Jessica Golden-Harper	David Zoll (Zoll, Kranz & Borgess)	BER-L-7887-11	8/31/2011	7/8/2013	7/26/2013
Stephanie Rivera	David Zoll (Zoll, Kranz & Borgess)	BER-L-9480-10	10/1/2010	7/8/2013	7/26/2013
Leslie Moorman	David Zoll (Zoll, Kranz & Borgess)	BER-L-9487-10	10/1/2010	7/8/2013	7/26/2013
Melissa Jurick	David Zoll (Zoll, Kranz & Borgess)	BER-L-9340-10	9/29/2013	7/8/2013	7/26/2013
Kerri Flanigan	David Zoll (Zoll, Kranz & Borgess)	BER-L-9394-10	9/28/2013	7/8/2013	7/26/2013
Kristi Mattison	David Zoll (Zoll, Kranz & Borgess)	BER-L-9709-10	10/1/2010	7/8/2013	7/26/2013
Erica Davis	Randi S. Kassan (Sanders Viener Grossman)	BER-L-9907-10	10/4/2010	7/8/2013	7/26/2013
Crystal Genovese	Randi S. Kassan(Sanders Viener Grossman)	BER-L-3762-10	2/16/2010	7/8/2013	7/26/2013

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Roxangela Ruiz	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9896-10	10/4/2010	7/8/2013	7/26/2013
Shamika Williams	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9863-10	10/4/2013	7/8/2013	7/26/2013
Katie Johnson	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9902-10	10/4/2010	7/8/2013	7/26/2013
Jennifer Hayward	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9912-10	10/4/2010	7/8/2013	7/26/2013
Toya Oyeilumi	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9932-10	10/4/2010	7/8/2013	7/26/2013
Stephanie Fitts	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9915-10	10/4/2010	7/8/2013	7/26/2013
Kimberely Mitchell	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9937-10	10/4/2010	7/8/2013	7/26/2013
Jennifer Gill	Randi S. Kassan(Sanders Viener Grossman)	BER-L_9867-10	10/4/2010	7/8/2013	7/26/2013
Jessica Uribe	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9874-10	10/4/2010	7/8/2013	7/26/2013
Rebecca Loudon	Randi S. Kassan(Sanders Viener Grossman)	BER-L-3760-10	2/16/2010	7/8/2013	7/26/2013
Jill Cooper	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9925-10	10/4/2010	7/8/2013	7/26/2013
Alanna Dorsett	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9934-10	10/4/2010	7/8/2013	7/26/2013
Jane Aseltyne	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9931-10	10/4/2010	7/8/2013	7/26/2013
Sabrinia Annis	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9918-10	10/4/2010	7/8/2013	7/26/2013
Lauren Flanagan	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9871-10	10/4/2010	7/8/2013	7/26/2013
Ivonne Marie Garcia	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9883-10	10/4/2010	7/8/2013	7/26/2013
Michelle Karhoff	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9898-10	10/4/2010	7/8/2013	7/26/2013
Michelle Mascolo	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9921-10	10/4/2010	7/8/2013	7/26/2013
Lisa Schmalbach	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9936-10	10/4/2010	7/8/2013	7/26/2013
Jillian Taylor	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9927-10	10/4/2010	7/8/2013	7/26/2013
Shelby Money	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9910-10	10/4/2010	7/8/2013	7/26/2013
Cindy Vides	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9895-10	10/4/2010	7/8/2013	7/26/2013
Edna Nunez Ramos	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9893-10	10/4/2010	7/8/2013	7/26/2013
Sandy Ocasio	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9889-10	10/4/2010	7/8/2013	7/26/2013
Amanda McBride	Randi S. Kassan(Sanders Viener Grossman)	BER--L-9899-10	10/4/2010	7/8/2013	7/26/2013
Susan Paul	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9890-10	10/4/2010	7/8/2013	7/26/2013
Stephanie Vitiello	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9897-10	10/4/2010	7/8/2013	7/26/2013
Dana Luningham	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9880-10	10/4/2010	7/8/2013	7/26/2013
Kelly Meredith	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9887-10	10/4/2010	7/8/2013	7/26/2013
Irma Sanchez	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9913-10	10/4/2013	7/8/2013	7/26/2013

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Christina Griffin	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9929-10	10/4/2013	7/8/2013	7/26/2013
Erin Landrum	Randi S. Kassan(Sanders Viener Grossman)	BER-L-9882-10	10/4/2013	7/8/2013	7/26/2013
Erica Panico	Ellen Relkin (Weitz & Luxenberg)	BER-L-5708-11	4/26/2011	7/8/2013	7/26/2013
Casey Drake	Ellen Relkin (Weitz & Luxenberg)	BER-L-5611-11	3/31/2011	7/8/2013	7/26/2013
Amy Coady	Ellen Relkin (Weitz & Luxenberg)	BER-L-8550-11	9/9/2011	7/8/2013	7/26/2013
Jacqueline Tronoosky	Ellen Relkin (Weitz & Luxenberg)	BER-L-450-12	12/9/2011	7/8/2013	7/26/2013
Robyn Kravitz	Ellen Relkin (Weitz & Luxenberg)	BER-L-7699-11	8/1/2011	7/8/2013	7/26/2013

EXHIBIT B

Motions to Dismiss with Prejudice

Return date October 25, 2013

Plaintiff	Attorney/firm	Docket Number	Complaint Filed	Notices Due	Letter Sent/P
Samantha Poland	Pro Se	BER-L-3832-10	9-Apr-10	22-Jul-13	26-Jul-13
Shannon Watkins	(Dori Milner) Napoli, Bern, Ripka & Associates	BER-L-5638-11	4-Apr-10	22-Jul-13	26-Jul-13
Victoria Riddle	Pro Se	BER-L-7081-11	29-Jun-12	22-Jul-13	26-Jul-13
Michelle Leiva	Dori Milner (Napoli, Bern, Ripka & Associates)	BER-L-7252-11	16-Jun-11	22-Jul-13	26-Jul-13
Emily Clack	Pro Se	BER-L-3857-10	1-Apr-10	22-Jul-13	26-Jul-13
Sarah Chaus	Pro Se	BER-L-1939-12	13-Jan-12	8-Jul-13	29-Aug-13
Catherine Wright	Pro Se	BER-L-10364-10	20-Oct-10	22-Jul-13	29-Jul-13
Emily Csernica	Theodore Oshman (Oshman & Mirisola)	BER-L-1431-11	24-Jan-11	22-Jul-13	26-Jul-13
Dawn Medley	Dori Milner (Napoli, Bern, Ripka & Associates)	BER-L-9828-10	1-Oct-10	22-Jul-13	26-Jul-13
Brittney Martain	Catherine Heacox (LLF)	BER-L-6607-10	21-Jun-10	22-Jul-13	26-Jul-13
Michelle Mavroudis	Mark Sadaka (Sadaka Associates)	BER-L-8609-11	9-Sep-11	22-Jul-13	26-Jul-13
Stephanie Deese	Dori Milner (Napoli, Bern, Ripka & Associates)	BER-L-7942-11	19-Aug-11	22-Jul-13	26-Jul-13
Jacquelyn McCann	Catherine Heacox (LLF)	BER-L-7188-11	25-Jul-11	22-Jul-13	26-Jul-13
Michelle Vigil	Dori Milner (Napoli, Bern, Ripka & Associates)	BER-L-9855-10	10-Oct-10	22-Jul-13	26-Jul-13
~~Jamie Banaszewski*~~	~~Catherine Heacox (LLF)~~	~~BER-L-6643-10~~	~~9-Jul-10~~	~~22-Jul-13~~	~~26-Jul-13~~
Alicia Ciari	Dori Milner (Napoli, Bern, Ripka & Associates)	BER-L-7239-11	16-Jun-11	22-Jul-13	26-Jul-13
Trista Williams	Dori Milner (Napoli, Bern, Ripka & Associates)	BER-L-3822-10	4-Dec-09	22-Jul-13	26-Jul-13
Rochelle Sommers	Mark Sadaka (Sadaka Associates)	BER-L-7198-11	12-Jul-11	22-Jul-13	26-Jul-13
Reagan Strain	Dori Milner (Napoli, Bern, Ripka & Associates)	BER-L-1453-11	3-Feb-11	22-Jul-13	26-Jul-13
Judy Darby	Dori Milner (Napoli, Bern, Ripka & Associates)	BER-L-3777-10	24-Dec-09	22-Jul-13	26-Jul-13
Lisa Torres	Pro se	BER-L-7189-11	29-Jul-11	22-Jul-13	26-Jul-13
Stacy Dinnel	Mark Sadaka (Sadaka Associates)	BER-L-7184-11	12-Jul-11	22-Jul-13	26-Jul-13
Kristina Brown	Dori Milner (Napoli, Bern, Ripka & Associates)	BER-L-11798-10	1-Dec-10	22-Jul-13	26-Jul-13

*Withdrawn

EXHIBIT C

Motions to Dismiss with Prejudice

Return date November 8, 2013

Plaintiff	Attorney/firm	Docket Number	Complaint Filed	Notices Due	Letter Sent/P
Jennifer Cook	Pro Se	BER-L-2449-13	21-Mar-13	8-Jul-13	August 30, 20103

EXHIBIT D

Motions to Dismiss with Prejudice

Return date November 22, 2013

Plaintiff	Attorney/firm	Docket Number	Complaint Filed	Notices Due	Letter Sent/P
Amber Leigh Petrick	Pro Se	BER-L-9147-11	29-Sep-11	8-Jul-13	29-Aug-13

EXHIBIT

E

Motions to Dismiss with Prejudice

Return date December 6, 2013

Plaintiff	Attorney/firm	Docket Number	Complaint Filed	Notices Due	Letter Sent/P
Patricia Ray	Pro Se	BER-L-10931-10	29-Oct-10	8-Jul-13	16-Oct-13
Tori Johnson	Pro Se	BER-L-5676-11	4/14/2011	8-Jul-13	16-Oct-13