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
NOV 22 2013
BRIAN R. MARTINOTTI
J.S.C.

MEMORANDUM DECISION

MARTINOTTI, J.S.C.

Before this Court were ninety-one (91) motions[1] to dismiss filed by Defendants Bayer (sixty-six (66) were returnable on October 11, 2012, one (1) was withdrawn and the remaining were unopposed; twenty three (23) motions were returnable October 25, 2013, with one (1) being withdrawn and three (3) being opposed[2]; one (1) returnable on November 8, 2013, and one (1) returnable November 22, 2013). The present motion is petitioning this court pursuant to, Case Management Order No. 39, Section I, to dismiss Plaintiff's complaint with prejudice for failure to provide the required discovery as ordered by this Court in its March 15, 2012 Case Management Order. See Case Management Order No. 39.

The *YAZ®, Yasmin®, Ocella® Litigation* was designated a MultiCounty 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 designation, forty-four (44) Case Management Orders have been entered. This Court has coordinated its efforts

[1] For a complete list of individual Plaintiff and docket numbers, see Exhibits A, B, C, and D.
[2] The Court heard argument and delivered an oral opinion on the record on October 25, 2013.

with the pending Multi District Litigation ("MDL"), presided over by the Honorable David R. Herndon, Chief Judge, USDJ.

On March 15, 2013, this Court entered Case Management Order No. 39. Section I requires Plaintiffs to notify all individuals with relevant records to Plaintiff's claim that said records must be preserved and to serve copies of those notices on Defendant's counsel with a signed certification. For cases filed prior to March 26, 2013, the necessary documentation must have been provided to Bayer's counsel no later than July 8th, 2013. The Plaintiff's case was filed on September 29, 2011. If a Plaintiff fails to abide by the deadlines in CMO 39, Defendant was permitted to move for an Order dismissing the Complaint with Prejudice if the deficiencies were not cured within ten (10) days of notice.

The Plaintiff has not complied with the deadlines established in Case Management Order No. 39. Specifically, she has not submitted the required notices and certification. Counsel for Bayer contacted the Plaintiff via letter on August 29, 2013, informing her of the deficiencies in compliance and giving her until September 9, 2013 to cure. Plaintiff did not respond. Counsel for Bayer sent another letter to Plaintiff on September 24, 2013, giving her until October 4, 2013 to cure. When Plaintiff failed to cure, Counsel for Bayer moved before this Court on October 4, 2013 to dismiss the complaint with prejudice for failure to comply with Case Management Order No. 39. For the aforementioned reasons, the Defendant's motion to dismiss with prejudice is GRANTED.

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