This Order has been prepared and filed by the Court.

JENNIFER COOK, **Plaintiff,** **v.** **BAYER CORP. et al.,** **Defendants.**	SUPERIOR COURT OF NEW JERSEY LAW DIVISION BERGEN COUNTY Docket No.: BER-L-2449-13-MT CIVIL ACTION **ORDER**

FILED
NOV 0 8 2013
BRIAN R. MARTINOTTI
J.S.C.

THIS MATTER having been opened to the Court on motion by the Defendants to grant dismissal of Plaintiff's claim with prejudice for failure to comply with Case Management Order No. 39; the Court having considered the moving papers, having received no opposition; and good cause having been shown;

For the reasons set forth in the accompanying opinion;

IT IS on this 8th day of November 2013,

ORDERED:

1. Defendants' motion for dismissal with prejudice is GRANTED;
2. A copy of this Order shall be served on all counsel within seven (7) days and posted on the court's website.

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

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(91) motions[1] to dismiss filed by Defendants Bayer (sixty-six (66) were returnable on October 11, 2012, one (1) was withdrawn and the remaining were unopposed; twenty three (23) motions were returnable October 25, 2013, with one (1) being withdrawn and three (3) being opposed[2]; one (1) returnable on November 8, 2013, and one (1) returnable November 22, 2013). Of the twenty-three (23) motions returnable today, October 25, 2013, one (1) was withdrawn and three (3) were opposed. The present motion is petitioning this court pursuant to, Case Management Order No. 39, Section II, Paragraph A, to dismiss Plaintiff's complaint with prejudice (hereinafter referred to collectively as Plaintiffs) 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

[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.

assigned to Bergen County on February 18, 2010. Since the MCL designation, forty-two (42) 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.

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 March 21, 2013. 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 30, 2013, informing her of the deficiencies in compliance and giving her ten (10) days to cure. When Plaintiff failed to cure, Counsel for Bayer moved before this Court on September 18, 2013 to dismiss the complaint with prejudice for failure to comply with Case Management Order No. 39.[3] For the aforementioned reasons, the Defendant's motion to dismiss with prejudice is GRANTED.

[3] The Court has reviewed Special Master Saltzburg's Recommendation on this motion. Note that the dates in the Special Master's report reflects the previous filing by Defendants, which was withdrawn for improper service.