

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE NUVARING PRODUCTS)
LIABILITY LITIGATION)
) 4:08MD1964 RWS
) ALL CASES

ORDER

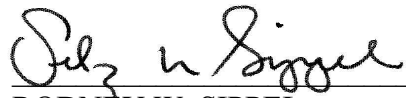
This matter is before me to create a procedure to follow where an individual plaintiff has failed to provide a complete fact sheet to Defendants on a timely basis.

On November 7, 2008, I entered an order that required all plaintiffs to provide their fact sheet within 75 days after Defendants filed an answer in that plaintiff's case. As this case has progressed, some plaintiffs have failed to comply with my order and have not filed a fact sheet for far longer than 75 days after Defendants have filed their answer. Defendants have filed numerous motions to dismiss these plaintiffs' cases which I have granted. In order to facilitate a uniform approach to this issue,

IT IS HEREBY ORDERED that the parties are directed to proceed in future as follows:

- (1) When Defendants choose to raise the issue, Defendants shall provide Plaintiffs' lead counsel with a list of cases in which the plaintiffs have failed to provide a timely fact sheet;
- (2) Each plaintiff on the list must provide completed and notarized fact sheets with 21 days of Defendants' notice. Plaintiff's counsel must immediately notify each plaintiff on the list that if the fact sheet is not provided within 21 days **their case will be dismissed with prejudice.**
- (3) Defendants shall file a motion to dismiss any case in which a plaintiff's fact sheet was not provided within 21 days.
- (4) Plaintiff's counsel must file a response to the motion to dismiss within 7 days.

The response must either show good cause why the fact sheet was not provided¹; or counsel must file a consent to the motion to dismiss; or counsel may file a motion to withdraw with a representation that counsel has advised the plaintiff that her case **will be dismissed** for failing to comply with Court orders. If counsel chooses to move to withdraw, counsel must state that notice was provided to the plaintiff that her case **will be dismissed**. In addition, withdrawing counsel must provide the Court with plaintiff's last known address and phone number in the motion to withdraw. Upon withdrawal the case will be dismissed.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of May, 2011.

¹ Good cause means something absolutely beyond the control of the plaintiff. Missed communications or an inability to obtain records or other information are not acceptable reasons for the failure to provide a fact sheet given the ample time each plaintiff has to comply with my order.