

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

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IN RE YASMIN AND YAZ (DROSPIRENONE) 3:09-md-02100-DRH-PMF
MARKETING, SALES PRACTICES AND MDL No. 2100
PRODUCTS LIABILITY LITIGATION

Judge David R. Herndon

This Document Relates to:

ORDER

All Cases

**ORDER IDENTIFYING MEMBER ACTIONS SUBJECT TO EXPANDED
CASE-SPECIFIC DISCOVERY PROGRAM**

HERNDON, Chief Judge:

This matter comes to the Court for case management. On July 25, 2011, the Court entered an order establishing an expanded core, case-specific discovery program for the oldest 100 non-bellwether cases (MDL 2100 Doc. 1866). This Order is entered for the purpose of identifying the member actions that will be included in this program.

The “oldest 100 non-bellwether cases” were selected on the basis of the date the case was filed in the *originating* court. Thus, for example:

- (1) For member actions that originated in state court, the relevant date is the date the complaint was filed in state court;

(2) for member actions that originated in a district court other than the Southern District of Illinois, the relevant date is the date the complaint was filed in the originating district court; and

(3) for member actions filed directly in this MDL, the relevant date is the date the complaint was filed in this Court (as opposed to the date the Clerk of the Court “opened” the case).

Considering these guidelines,¹ the Court concludes that the member actions identified in Exhibit A, attached hereto, are the oldest 100 non-bellwether member actions. Accordingly, the cases identified in Exhibit A will be subject to core, case-specific discovery as defined by the Court in its July 25th Order (MDL 2100 Doc. 1866).

SO ORDERED:

  David R. Herndon
2011.08.04
17:43:11 -05'00'

**Chief Judge
United States District Court**

Date: August 4, 2011

¹ The Court excluded actions already included in the Bellwether Trial Selection Pool and closed member actions. The Court also excluded (1) *Brownfield et al v. Bayer Corporation, et al.* (class certification motion pending) and (2) *Downs v. Bayer Corp.*, 3:09-cv-20044-DRH-PMF (names only Bayer entities and has not been served). The 100th member action included on in the expanded case-specific discovery program, *Seagraves v. Bayer Corp.*, 3:10-cv-20353-DRH-PMF, was filed on October 2, 2009. The *Seagraves* case is one of two member actions filed on October 2, 2009 and was selected at random to be the last case in the expanded discovery program.