

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: :
FOSAMAX PRODUCTS LIABILITY LITIGATION :
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This document relates to: :
Williams v. :
Merck & Co., Inc., :
No. 08 Civ. 4402 (JFK) :
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Master File No.
06 MD 1789 (JFK)

ORDER

JOHN F. KEENAN, United States District Judge:

On July 30, 2014, this Court entered a Lone Pine order directing Plaintiff to provide, inter alia, an expert report by October 1, 2014. Plaintiff failed to timely respond to the Lone Pine order by the October 1, 2014 deadline. By letter dated October 20, 2014, Merck notified Plaintiff of her failure to comply with the Court's order. Pursuant to the July 30, 2014 Lone Pine order, the letter also informed Plaintiff that she had until November 7, 2014 to show cause why her complaint should not be dismissed with prejudice.

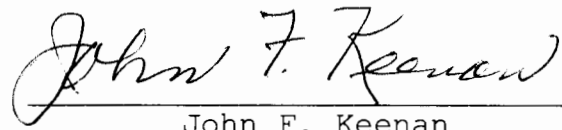
On November 7, 2014, Plaintiff requested an extension of the time to show cause and Plaintiff's counsel asked to be relieved from representing Plaintiff. On November 13, 2014, the Court allowed Kabateck Brown Kellner, LLP and Khorrami Boucher LLP to withdraw from representing Plaintiff in this case. Additionally, the Court stayed this action until December 29, 2014 to allow Plaintiff time to locate and retain new counsel or to enter a pro se appearance. (ECF No. 134.)

On December 19, 2014, Plaintiff's husband wrote a letter to the Court seeking a release of the records retained by former counsel. The Court granted that application and ordered Kabateck Brown Kellner, LLP and Khorrami Boucher LLP to promptly provide Plaintiff with copies of Plaintiff's records. In light of the stay that had been lifted on December 29, 2014, the Court also gave Plaintiff until February 9, 2015 to comply with the July 30, 2014 Lone Pine order and notified Plaintiff that failure to comply would result in dismissal of the action. (ECF No. 135.)

Plaintiff failed to comply with the July 30, 2014 Lone Pine order by the February 9, 2015 deadline. Therefore, the Court dismisses Plaintiff's complaint with prejudice.

SO ORDERED.

Dated: New York, New York
May 7, 2015



John F. Keenan
United States District Judge