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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARIA COMBS,

Plaintiff,

-against-

MERCK & CO., INC.

Defendant.

08 Civ. 4183 (JFK)

**ORDER**

**JOHN F. KEENAN, United States District Judge:**

Defendant Merck & Co., Inc. moves for dismissal of this case under Federal Rules of Civil Procedure 16(f), 37(b)(2), and 41(b) because Plaintiff Maria Combs has failed to comply with the Court's Lone Pine order. For the reasons set forth below, the motion is granted.

On April 4, 2016, this Court entered a Lone Pine order requiring Plaintiff to produce, among other things, a completed Plaintiff Profile Form and a Rule 26(a)(2) expert report. The deadline for Plaintiff to produce the required materials was 60 days from the entry of the order.

On April 22, 2016, Plaintiff's counsel moved to withdraw from this case. Plaintiff's counsel indicated that his firm had informed Plaintiff that she was ineligible to participate in the master settlement program with Merck. Plaintiff's counsel also reported that Plaintiff had stated orally that she would

voluntarily dismiss her claims, but that Plaintiff had failed to respond to counsel's numerous attempts to confirm Plaintiff's consent to dismissal in writing.

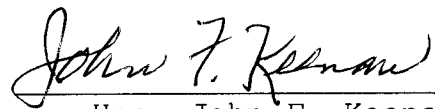
On April 28, 2016, the Court granted Plaintiff's counsel's motion to withdraw. On May 4, 2016, the Court sent a letter to Plaintiff that referred her to resources available from the Court's Pro Se Intake Unit, enclosed a copy of the Court's April 4, 2016 Lone Pine order, and informed her that if she failed to produce the specified documents by June 4, 2016, her case would be dismissed.

In a June 17, 2016 letter copying Plaintiff, Merck informed the Court that Plaintiff had failed to comply with the Lone Pine order and, pursuant to the order, had until July 5, 2016, to show cause why her complaint should not be dismissed with prejudice. Plaintiff has not done so, nor has she complied with the Lone Pine order.

Accordingly, this case is hereby dismissed with prejudice.

**SO ORDERED.**

Dated: New York, New York  
November 15, 2016



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Hon. John F. Keenan  
United States District Judge