

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

FRANKLIN HARRIS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:13-CV-577-PLR-HBG
)	
TELLICO SERVICES, INC. and)	
SHORT BARK INDUSTRIES, INC.)	
)	
Defendants.)	

MEMORANDUM OPINION

This matter is before the court on the defendants’ motion for entry of an order dismissing this action due to the failure of the remaining plaintiffs to file any response to the dispositive motions filed by defendants, or otherwise prosecute this action [R. 35].

Plaintiffs are current or former employees of defendants, who alleged that defendants violated the WARN Act, 29 U.S.C. § 2101, *et seq.*, in connection with a layoff that occurred in March 2013.

On July 22, 2014, defendant Tellico Services, Inc., filed its motion for summary judgment.¹ On September 17, 2014, plaintiffs’ counsel filed a motion to withdraw. By order entered September 30, 2014, the court granted the motion to withdraw by plaintiffs’ counsel and imposed a sixty-day stay and extension of all deadlines. Upon expiration of

¹ Defendant Short Bark Industries, Inc., filed its motion for summary judgment on October 9, 2014.

the sixty-day stay, the court's order provided that plaintiffs would have ten additional days to file a response to the pending summary judgment motions. The order admonished plaintiffs that they were deemed to be proceeding *pro se*, and they were required to stay up to date on the status of the case and comply with the deadlines set by the court.

Fourteen of the original twenty plaintiffs have filed stipulations of dismissal leaving six plaintiffs -- David Potorski, Justin Randolph, Jacob Shaw, Holly Stamey, Megan Stamey, and Kayla Radford -- with pending claims. No response has been filed by any plaintiff to the defendants' dispositive motions.

It is clear to the court that the remaining plaintiffs have no desire to prosecute this action. Accordingly, defendants' motion [R.35] is **GRANTED, and this action is hereby DISMISSED, for failure to prosecute.**

IT IS SO ORDERED.

Enter:


UNITED STATES DISTRICT JUDGE