

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

CHRIS GRAHAM; DENNIS LASSITER;
and ADAM CROWDER

PLAINTIFFS

v.

No. 2:22-CV-2026

BUTTERBALL, LLC; CHRISTOPHER
MARR; and JOHN DOES 1–3

DEFENDANTS

OPINION AND ORDER

Before the Court is the motion for sanctions (Doc. 13) filed by Defendants Butterball, LLC and Christopher Marr. The motion states that counsel for all parties agreed to schedule Plaintiff Adam Crowder’s deposition for 4:00 p.m. on November 22, 2022, but Mr. Crowder failed to appear for that deposition as scheduled. *See id.* at ¶¶ 1–3. The Federal Rules require an award of “reasonable expenses, including attorney’s fees, caused by the failure” of a party to attend his own deposition “unless the failure was substantially justified or other circumstances make an award of expenses unjust.” *See* Fed. R. Civ. P. 37(d)(3). Butterball and Mr. Marr have requested a total award of \$870.95, consisting of \$630.00 in attorney fees and \$240.95 in court reporter expenses. *See id.* at ¶ 6; *see also* Doc. 15. Mr. Crowder has not filed any response to their motion, and the deadline for him to do so has passed. Under our Local Rules, “[t]he failure to timely respond to any non-dispositive motion . . . shall be an adequate basis, without more, for granting the relief sought in said motion.” Local Rule 7.2(f).

IT IS THEREFORE ORDERED that Defendants Butterball, LLC’s and Christopher Marr’s motion for sanctions (Doc. 13) is GRANTED. Plaintiff Adam Crowder is ORDERED to immediately pay the Defendants \$870.95 in reasonable expenses under Federal Rule of Civil Procedure 37(d)(3).

IT IS SO ORDERED this 19th day of December, 2022.

/s/ P. K. Holmes, III

P.K. HOLMES, III
U.S. DISTRICT JUDGE