

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**WASHINGTON METROPOLITAN AREA
TRANSIT COMMISSION,**

Plaintiff,

v.

RELIABLE LIMOUSINE SERVICE, LLC *et al.*,

Defendants.

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) **Civil Action No. 12cv576 (ESH)**
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MEMORANDUM OPINION

Upon consideration of plaintiff's Motion for Sanctions, defendants' Motion to Defer Ruling on the Motion for Sanctions, and plaintiff's Opposition to Defendants' Motion, the Court will deny defendants' motion and, pursuant to Fed. R. Civ. P. 37(b)(2), will grant plaintiff's motion and impose sanctions.¹

Defendants refused to obey the Court's December 19, 2012 Order requiring that they respond to outstanding discovery requests on or before January 2, 2013. Indeed, defendants continue to withhold all requested discovery even though the final pretrial conference is scheduled for March 7, 2013, and the trial is scheduled for March 20, 2013. In addition, as documented by plaintiff's motion, defendants have a history of defying court orders regarding discovery (*see* Ex. 2-4 to Pl. Mot. [ECF No. 19]), and they have failed to provide any valid reason or excuse for their defiance of this Court's Order.

Nor have defendants offered any valid basis for deferring the Court's ruling on the sanctions motion. Defendants argue that the Court should defer ruling for thirty days because

¹ Defendants have failed to file an opposition to plaintiff's motion, and their time to do so expired on February 4, 2013.

applications by two affiliates of defendants are currently pending in an administrative proceeding before the plaintiff Commission and may be decided in the near future. However, even if the Commission were to approve the applications, it would not excuse defendants' failure to comply with their discovery obligations and with this Court's Order.

In addition, both plaintiff and the Court would be prejudiced by continuing the status quo, insofar as the remedy plaintiff seeks is injunctive relief to prevent defendants from conducting an unlicensed passenger transportation business, and trial is set to begin next month. More importantly, further delay would serve to reward defendants' contumacious conduct. Under these circumstances, the imposition of any less severe sanction would not be appropriate. Accordingly, the Court will deny defendants' motion, grant plaintiff's motion, and enter default judgment for plaintiff. The Court will also award the requested fees set forth in the declaration of counsel.

/s/
ELLEN SEGAL HUVELLE
United States District Judge

DATE: February 6, 2013