

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

JACQUELINE CURRY,

Plaintiff,

v.

Case No: 8:14-cv-2420-T-30JSS

HSBC NORTH AMERICA HOLDINGS,
INC. and HSBC TECHNOLOGY &
SERVICES (USA) INC.,

Defendants.

ORDER

THIS CAUSE comes before the Court upon Defendants' Notice of Plaintiff's Refusal to Attend Mediation in the Middle District of Florida and Motion for Dismissal with Prejudice (Dkt. #87), Defendants' Motion for Dismissal with Prejudice for Plaintiff's Refusal to Attend Deposition in the Middle District of Florida in Violation of Court Order (Dkt. #88), and Plaintiff's Response thereto (Dkt. #96).

The record reflects that this Court has instructed Plaintiff on numerous occasions that she is required to personally appear in this district for her deposition and mediation (Dkts. #83, #86, #91, and #94). Defendants' Motions for Dismissal state that Plaintiff continues to refuse to comply with the Court's Orders to the extent that Plaintiff maintains that she will not personally appear in this district for these events (Dkts. #87, 88). Plaintiff's Response to Defendants' Motions (Dkt. #96) repeats that she cannot personally

attend these events, citing the reasons she previously asserted, i.e., that she cannot travel due to her husband's medical condition and also due to financial hardship.

This Court and the Magistrate Judge previously ruled that Plaintiff's reasons did not establish good cause to excuse her from personally attending these events. This Court also warned Plaintiff on numerous occasions that her continued failure to personally appear for these events and her continued failure to disregard the Court's Orders could result in dismissal of her case. Plaintiff's most recent Response (Dkt. #96) reflects her continued unwillingness to comply with the Court's Orders.

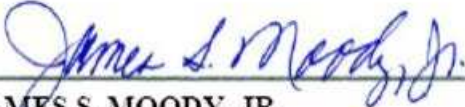
The Court will provide Plaintiff with one final opportunity to comply with its prior Orders. Specifically, the Court rules that Plaintiff shall personally appear for mediation and her deposition in this district by September 30, 2015; notably, this is thirty days prior to the October 30, 2015 discovery deadline. Accordingly, it is

ORDERED AND ADJUDGED as follows:

1. The Court defers ruling on Defendants' Motions for Dismissal (Dkts. #87, #88) for the reasons explained herein.

2. **Plaintiff shall personally appear for mediation and personally appear for her deposition in this district by September 30, 2015. If Plaintiff does not attend these events by September 30, 2015, Defendants shall file a verified statement with the Court, notifying the Court of same, and the Court will then grant Defendants' Motions (Dkts. #87, 88) to the extent that this action will be dismissed without prejudice and without further notice to Plaintiff.**

DONE and **ORDERED** in Tampa, Florida, this 3rd day of September, 2015.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record

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