

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

**DEBRA ANAZONWU, at al.,**

**Plaintiffs,**

**v.**

**Case No. 3:05cv147/MCR/EMT**

**NISSAN NORTH AMERICA, et al.,**

**Defendants.**

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**ORDER**

**Pending before the court are defendant's Motion to Dismiss Based on First to File Rule (doc. 23) and Motion to Compel Depositions of Plaintiffs' Experts (doc. 54). By order entered on February 22, 2006, plaintiffs' counsel was granted thirty days to locate plaintiffs and provide responses to defendant's discovery requests and designate experts.<sup>1</sup> See doc. 45. Plaintiffs' counsel was advised that failure to comply with the court's order within the allotted time would result in dismissal of**

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<sup>1</sup> Plaintiffs filed an Emergency Motion to Stay Proceedings or, Alternatively, to Continue Trial (doc. 40). In their motion, plaintiffs' counsel advised that he and the plaintiffs were residents of New Orleans, Louisiana and the surrounding area affected by Hurricane Katrina. Counsel advised that he had been unable to locate plaintiffs since returning to New Orleans in October 2005 and consequently was unable to answer defendant's outstanding discovery requests. As relief, plaintiffs and counsel requested the court enter an order staying these proceedings until such time as counsel was able to communicate with plaintiffs or, alternatively, that the trial be continued without date. In order to afford counsel an opportunity to locate plaintiffs, the court granted counsel thirty days to locate his clients.

The court takes note that in its response to plaintiffs' motion (doc. 44), defendant advises that a brief internet search had produced information related to plaintiff Onyema Anazonwu's whereabouts. Despite this, plaintiffs' counsel has subsequently failed to provide any information relating to Mr. Anazonwu or the other plaintiffs in this action.

**this action. Inasmuch as the thirty day period has expired and plaintiffs' counsel has failed to advise the court of the whereabouts of plaintiffs or otherwise comply with the court's order, it is hereby ORDERED that this action is dismissed without prejudice.**

**DONE AND ORDERED this 30th day of March, 2006.**

*s/ M. Casey Rodgers*  

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**M. CASEY RODGERS**  
**UNITED STATES DISTRICT JUDGE**