

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 07-80967-CIV-ZLOCH

TIMOTHY WILLIAMS,

Plaintiff,

vs.

O R D E RBRIDGESTONE/FIRESTONE, INC.,
et al.,Defendants.

THIS MATTER is before the Court upon Defendants' Renewed Motion For Dismissal Without Prejudice As A Sanction For Plaintiff's Failure To Comply With The Court's Orders (DE 48). The Court has carefully reviewed said Motion and the entire court file and is otherwise fully advised in the premises.

By prior Order, the Court ordered Plaintiff to "provide full and complete responses to Interrogatories and Requests For Production that were propounded on June 21, 2008." DE 45, p. 2. Defendants represent that Plaintiff has satisfied Defendants' Requests For Production but has failed to produce responses to the Interrogatories. Defendants further detail an accurate history of Plaintiff's repeated failure to abide by the deadlines set by the Federal Rules and this Court's prior Orders. See DE 48, ¶¶ 21. Patience is a word that best describes the way the Court has dealt with the Plaintiff up until this point. The Court will once again compel Plaintiff to comply with his long overdue discovery obligations, and it will impose a sanction less severe than the ultimate sanction of dismissal. However, if Plaintiff fails to

comply with this Order, the Court may have no choice but to dismiss the case.

Accordingly, after due consideration, it is

ORDERED AND ADJUDGED that Defendants' Renewed Motion For Dismissal Without Prejudice As A Sanction For Plaintiff's Failure To Comply With The Court's Orders (DE 48) be and the same is hereby **GRANTED** as follows:

1. By noon on Friday, October 17, 2008, Plaintiff shall provide Defendants with full and complete responses to the Interrogatories propounded on June 21, 2008;

2. By noon on Monday, October 20, 2008, Defendants shall file a notice with the Court indicating whether Plaintiff has complied with this Order;

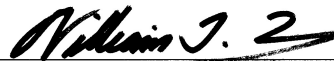
3. Pursuant to Federal Rule of Civil Procedure 37, on or before noon on Friday, October 17, 2008, Defendants shall file a Memorandum with all necessary Affidavits and Exhibits as dictated by Local Rule of the Southern District of Florida 7.3.B, establishing for the Court the attorney's fees and costs incurred in the preparation and execution of the instant Motion (DE 48);

4. In all other respects, the instant Motion, be and the same is hereby **DENIED**; and

5. Upon failure of Plaintiff to comply with the terms and conditions of this Order, the Court will entertain the appropriate Motion For Sanctions, including, but not limited to, dismissal of this

action.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County,
Florida, this 10th day of October, 2008.



WILLIAM J. ZLOCH
United States District Judge

Copies furnished:

All Counsel of Record