

## AUGUSTA DIVISION

Defendant.

CV 116-164

In her objections, Plaintiff claims “[t]here was no representation by the Plaintiff that she was speeding or the delay was somehow related to the Plaintiff leaving home late.” (CV 115-077, doc no. 82, p. 2; CV 116-164, doc. no. 27, p. 2.) However, contrary to her contention, Plaintiff previously stated in court she was late because she “was pulled over for speeding and detained . . . .” (Court’s recording system, *For The Record*, (hereinafter “FTR”), 9:47:52 – 9:47:57.) When asked why she was speeding, Plaintiff responded,

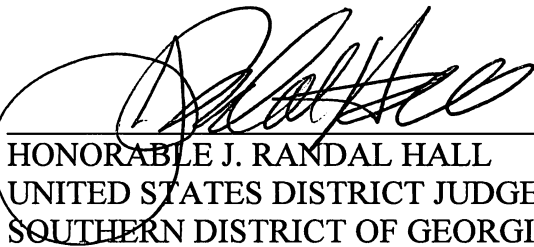
“Trying to get here on time, Your Honor . . . . I had to wait for a ride.” (FTR 9:47:52 – 9:48:12.) The Court clarified Plaintiff’s answer by asking, “that car was late picking you up, and so you were speeding to get here, is that correct,” and Plaintiff responded, “Yes, Your Honor.” (FTR 9:48:11 – 9:48:17.)

Plaintiff further claims the Magistrate Judge falsely represented that Plaintiff was a passenger in a car when in reality “Plaintiff was the driver and the Plaintiff was traveling alone.” However, Plaintiff’s statements to the Court regarding waiting for a ride and being picked up led the Magistrate to reasonably conclude Plaintiff was a passenger and not the driver. (See FTR 9:47:52 – 9:48:12, 9:48:11 – 9:48:17.) At best, the Magistrate Judge misinterpreted Plaintiff’s statements; at worst, Plaintiff misrepresented to the Court her transportation situation. Finally, although Plaintiff did apologize, her apology came only at the Court’s prompting and showed no real remorse. (FTR 9:57:22 – 9:57:51.)

Plaintiff’s material misrepresentations in her objections as to why she was late to court provide an additional ground for dismissal of these cases with prejudice. See Vargas v. Peltz, 901 F. Supp. 1572, 1579 (S.D. Fla. 1995) (“Plaintiff’s intentional misconduct in presenting false evidence in support of her claims compels dismissal of this case.”). Accordingly, the Court **OVERRULES** Plaintiff’s objections, **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **DENIES AS MOOT** Defendant’s oral motion to enforce settlement agreement (CV 115-077, doc no. 79; CV 116-164, doc. no. 22), **DISMISSES WITH PREJUDICE** these cases as a sanction, and **CLOSES** these civil

actions.

SO ORDERED this 13<sup>th</sup> day of March, 2017, at Augusta, Georgia.



HONORABLE J. RANDAL HALL  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA