Monday, 21 December, 2009 04:35:21 PM
Clerk, U.S. District Court, ILCD

IN THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF ILLINOIS, PEORIA DIVISION

ANDREW WALKER, FARIC CAIL, and DARIUS ROGERS,)
Plaintiffs,))
٧.) No. 07-CV-1272
WILDWOOD INDUSTRIES, INC.,)
Defendant.)

REPORT AND RECOMMENDATION

BYRON G. CUDMORE, U.S. MAGISTRATE JUDGE:

On October 11, 2007, Plaintiffs filed their Complaint herein and paid all filing fees in full. An Answer (d/e 4) was filed by Defendant on November 20, 2007 and the case was set for Rule 16 Scheduling Conference. A telephonic Scheduling Conference was held on December 18, 2007 with counsel Richard M. Manzella and J. Reed Roesler and scheduling dates were put in place. Discovery commenced and various motion pleading ensued as the case moved forward. However, on March 9, 2009, Defendant filed a Suggestion of Bankruptcy (d/e 59) and by Text Order of March 11, 2009, the undersigned stayed the case until conclusion of the bankruptcy proceedings.

On June 4, 2009, via Text Order, U.S. District Judge McDade vacated the final pretrial and jury trial settings due to the bankruptcy stay.

On November 4, 2009, the undersigned entered a Text Order directing the Plaintiffs to show cause why this case should not be dismissed because of the pending bankruptcy and set a deadline of December 1, 2009. Plaintiffs did not file any type of response. Again, on December 7, 2009, the undersigned entered a Text Order directing Plaintiffs to show cause why this case should not be dismissed because of the pending bankruptcy and directed a response by December 18, 2009. The Plaintiffs were directed that if no response was filed, the Court would presume no objection and the case would be dismissed. As of this date, Plaintiffs have failed to respond. The Court has no other option and recommends that Plaintiffs' Complaint be dismissed for want of prosecution.

Plaintiffs are advised that any objection to this Report and Recommendation must be filed in writing with the Clerk of the Court within fourteen days after being served with a copy of this Report and Recommendation. See 28 U.S.C. § 636(b)(1). Failure to file a timely objection will constitute a waiver of objections on appeal. Video Views, Inc.

<u>v. Studio 21, Ltd.</u>, 797 F.2d 538, 539 (7th Cir. 1986). See Local Rule 72.2.

ENTER: December 21, 2009

FOR THE COURT: s/Byron G. Cudmore

BYRON G. CUDMORE UNITED STATES MAGISTRATE JUDGE