

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

WILLIAM J BUCK,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. <u>3:12-cv-00273-JPG-PMF</u>
	)	
C/O HARTMAN, <i>et al.</i> ,	)	
	)	
Defendants.	)	

ORDER

**FRAZIER, Magistrate Judge:**

Before the Court is Defendant C/O Hartman’s (Doc. 64) motion for sanctions. Defendant Hartman has filed a motion for sanctions pursuant to Rule 37 of the Federal Rules of Civil Procedure because Plaintiff refused to participate in a properly-noticed Rule 30(b)(6) deposition on August 22, 2013. Hartman provided evidence of Buck’s refusal in the form an institutional incident report. *See* Doc. 64-1. Hartman incurred \$150.43 in expenses as a result of Plaintiff’s refusal to participate and requests reimbursement from Plaintiff. Counsel for Hartman asks that the Court impose sanctions under Rule 37(d) in the form of striking relevant portions of the complaint or barring Plaintiff from testifying to the relevant facts.

Plaintiff responded to the motion for sanctions by stating that he was willing to attend the deposition and is still prepared. He states that he is at the mercy of IDOC employees, and the incident report filed by Hartman was fabricated.

After consideration of all the materials submitted by the parties, the Court grants the (Doc. 64) motion for sanctions as follows:

- 1) This case is STAYED until the deposition of Plaintiff has occurred;
- 2) Defendant is directed to re-notice a deposition of Plaintiff;
- 3) If Plaintiff fails to attend the re-noticed deposition, this case will be dismissed;
- 4) If Plaintiff has recovers damages in this case, any such recovery shall be reduced by \$150.43. If such a recovery is less than \$150.43, Plaintiff shall recover nothing.

**SO ORDERED.**

**DATED: October 31, 2013.**

*s/ Philip M. Frazier*  
**PHILIP M. FRAZIER**  
**UNITED STATES MAGISTRATE JUDGE**