

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

**TERRY A. BROCK,**

**Plaintiff,**

**vs.**

**No. 12-0645-DRH**

**GORDON TRUCKING, INC., and  
GORDON TRUCKING, CO.**

**Defendants.**

**ORDER**


**HERNDON, Chief Judge:**

This matter comes before the Court on defendants' motion to dismiss or, in the alternative motion for summary judgment (Doc. 56) and defendant's motion for summary judgment on its counterclaim for property damages (Doc. 58). On March 21, 2013, the Court issued a *Timms* notice to Brock regarding the motions (Doc. 68). The Order informed Brock of the need to file affidavits and/or responsive materials to the motions and of the consequences of not responding to the motions. *See Tims v. Frank*, 953 F.2d 281, 284 (7th Cir. 1992). The Order also directed Brock to respond to the motions on or before April 22, 2013 or risk judgment being entered in favor of defendants and against him. As of this date, Brock has not responded to the motions. Thus, the Court considers this an

admission of the merits of the motions.<sup>1</sup> Therefore, the Court **GRANTS** defendants' motion to dismiss or, in the alternative motion for summary judgment (Doc. 56) and defendant's motion for summary judgment on its counterclaim for property damages (Doc. 58). Thus, the Court enters judgment in favor of defendants and against plaintiff. The Court **AWARDS** defendants \$6,606.57 in damages on the counterclaim for property damages. Further, the Court **DIRECTS** the Clerk of the Court to enter judgment reflecting the same.

**IT IS SO ORDERED.**

Signed this 25th day of April, 2013.

  
David R.  
Herndon  
2013.04.25  
13:48:00 -05'00'

**Chief Judge  
United States District Court**

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<sup>1</sup> "Failure to timely file a response to a motion may, in the Court's discretion, be considered an admission of the merits of the motion." Local Rule 7.1(c).