

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

SABRA RENCH, individually and on behalf of all  
others similarly situated,

Plaintiffs,

vs.

T.D. BANK, N.A., et al.,

Defendants.

Case No. 13-cv-00922-SMY-PMF

**MEMORANDUM AND ORDER**

This matter is before the Court on the Report and Recommendation ("Report") of Magistrate Judge Philip M. Frazier (Doc. 153). Judge Frazier recommends that Plaintiff's motion for sanctions directed against Defendant HMI Industries, Inc. be granted and that Plaintiff be awarded her reasonable expenses.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.* "If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error." *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

Having received no objection to the Report, the Court has reviewed Plaintiff's motion and the case history and finds that the Report is not clearly erroneous. Accordingly, the Court **ADOPTS** the Report. Plaintiff's motion for sanctions (Doc. 98) is **GRANTED**. Pursuant to FRCP 37 (c), Plaintiff shall be awarded her reasonable expenses, including attorney fees, incurred for the purpose of locating missing information requested from Defendant HMI, including preparation of the motion for sanctions, preparation and attendance at the November 12, 2015 hearing, preparation of the supplemental brief, and acquisition of depositions/affidavits from individuals who were not identified by Defendant HMI as

persons with knowledge of the events at issue. Plaintiff shall file an affidavit setting forth her reasonable expenses within 30 days.

**IT IS SO ORDERED.**

**DATED:** July 25, 2016

s/ Staci M. Yandle  
**STACI M. YANDLE**  
**DISTRICT JUDGE**