

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

DANNY R. RUARK,

Plaintiff,

v.

No. 14-cv-329-DRH-RJD

**UNION PACIFIC RAIROAD
COMPANY,**

Defendants.

MEMORANDUM & ORDER

HERNDON, District Judge:

Currently pending before the Court is Defendant Union Pacific Railroad's Motion to Strike Plaintiff's Submitted Final Pretrial Order (Doc. 65). Subsequent to the motion being filed, the Court directed the plaintiff to file a response (Doc. 66). Thereafter, plaintiff filed his response opposing the motion and arguing that defendant's objections are without merit (Doc. 68), to which defendant replied (Doc. 69). For the reasons discussed below, the motion is granted.

Defendant argues that the proposed order submitted by Plaintiff should be stricken because it erroneously contains numerous statements that were not presented to the defendant, nor agreed to by defendant. Also, notwithstanding that fact, the undersigned advised plaintiff's counsel at the final pretrial conference that he should submit, and work out with, the defendant an agreed Final Pretrial Order. Defendant also notes numerous other objections to the plaintiff's proposed Final Pretrial Order, which plaintiff opposes.

Here, plaintiff failed to comply with the Court's direction regarding submission of a proposed Final Pretrial Order. Plaintiff failed to consult the defendant, or provide a draft to defendant before submitting the aforementioned proposed Final Pretrial Order to the Court. Accordingly, the Motion to Strike Plaintiff's Submitted Final Pretrial Order (Doc. 65) is **GRANTED**.

Furthermore, in light of the fact that the Court is still without a Final Pretrial Order in this case, a second final pretrial conference shall be held before the undersigned **on May 31, 2017, at 3:00p.m.** In advance of said hearing, given the objections on file, the parties are **DIRECTED** to send copies of the depositions taken in this case to the Court for review **no later than May 30, 2017**.

IT IS SO ORDERED.

Signed this 24th day of May, 2017.

  Judge Herndon
2017.05.24
19:08:06 -05'00'
United States District Judge