

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

MARY REHDER,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:22-CV-00419-HAB
)	
KMM CORPORATION, et al.)	
)	
Defendants.)	

**OPINION AND ORDER ADOPTING THE MAGISTRATE
JUDGE’S REPORT AND RECOMMENDATION**

This matter is before the Court for an Order on the Magistrate Judge’s Report and Recommendation (“R & R”) (ECF No. 40) wherein the Magistrate Judge recommends the Court DISMISS Plaintiff’s claims WITH PREJUDICE as a sanction under Federal Rule of Civil Procedure 16(f) and for failure to prosecute under Federal Rule of Civil Procedure 41(b). The parties had fourteen days after being served with a copy of the R & R to file written objections thereto with the Clerk of Court. No objections to the R & R have been filed.

Plaintiff filed this case against her former employer and supervisors, alleging they violated the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, et seq., the Indiana Wage Payment Statute (“IWPS”), I.C. § 22-2-5-2, et al., and the Indiana Minimum Wage Law of 1965 (“IMWL”), I.C. § 22-2-2-1, et al. (ECF No. 1). As the case progressed, the parties requested a settlement conference before a magistrate judge (ECF No. 24). The undersigned referred this case to the Magistrate Judge for the purpose of conducting a settlement conference pursuant to 28 U.S.C. § 636(b) and Northern District of Indiana Local Rule 72-1. Thereafter, Plaintiff, through no fault of her counsel, failed to appear for the settlement conference, respond to show cause orders or otherwise prosecute her case. After multiple warnings that failure to prosecute her case could result

in dismissal as a sanction, Plaintiff continued to ignore the Court's orders. This obstinance led to the issuance of the Magistrate Judge's R & R.

The undersigned has reviewed the Magistrate Judge's R & R and the conclusions therein. Despite the Magistrate Judge's Orders requiring her presence, Plaintiff failed to appear telephonically at the February 20, 2024, settlement conference and the March 7, 2024, show cause hearing and status conference, and in person at the March 14, 2024, show-cause hearing and status conference. The Court finds the determination by the Magistrate Judge that Plaintiff's repeated failures to appear when ordered is contumacious conduct warranting dismissal of this case under the Federal Rules to be well-founded and well-taken. The R & R (ECF No. 40) is adopted in its entirety. This case is DISMISSED with prejudice.

SO ORDERED on April 17, 2024.

s/ Holly A. Brady

JUDGE HOLLY A. BRADY
UNITED STATES DISTRICT COURT