

**United States District Court  
Northern District of Indiana  
Hammond Division**

KEVIN D. MILLER and JAMILA D. MILLER	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 2:09-CV-205 JVB
	)	
CITY OF PLYMOUTH, et al.	)	
	)	
Defendants.	)	

**ORDER**

On August 2, 2010, Magistrate Judge Paul Cherry issued a Report and Recommendation on Plaintiffs' Joint First Rule 37 Motion for Sanctions Against Defendants City of Plymouth and John Weir. Judge Cherry recommended that the Court deny Plaintiff's motion. Plaintiffs timely objected to the Report and Recommendation on August 16, 2010.

Plaintiffs assert that Defendants have engaged in practices designed to frustrate discovery and ask the Court to sanction the Defendants by entering a default judgment against them, prohibiting them from opposing various facts and claims, prohibiting them from introducing testimony and materials into evidence opposing certain facts and claims, and striking their "qualified immunity" defense. Judge Cherry found that while some of defendant's objections to interrogatories were unwarranted and some answers were not satisfactory, on the whole the Defendant's actions did not warrant sanctions. Upon review of the pleadings and motions filed in this case, it is the Court's finding that Judge Cherry's Report and Recommendation should be accepted.

Accordingly, the Court overrules Plaintiff's Objection [DE 207] and ACCEPTS Judge

Cherry's Report and Recommendation [DE 199]. Plaintiff's Motion [DE 169] is DENIED.

SO ORDERED on September 17, 2010.

s/ Joseph S. Van Bokkelen  
Joseph S. Van Bokkelen  
United States District Judge