

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

MARLENE R. OWENS,)	
Plaintiff,)	
)	
v.)	Cause No.: 2:12-CV-284-PRC
)	
JOBWORKS, INC.,)	
Defendant.)	

OPINION AND ORDER

This matter is before the Court on Jobworks, Inc.’s Amended Motion for Sanctions [DE 45], filed on September 19, 2014. Plaintiff, who is proceeding pro se in this case, has not filed a response, and the time to do so has passed.

Defendant asks the Court to sanction Plaintiff for her failure to appear at her September 17, 2014 deposition. Defendant represents that:

1. On September 4, 2014, the defense sent Plaintiff a “Notice To Take Deposition” and Subpoena as well as a letter of explanation. These items were sent by certified mail and email.
2. On September 4, 2014, the defense scheduled a court reporter from Fissinger & Associates, Ltd. to attend and record the deposition of the Plaintiff on September 17, 2014.
3. On September 16, 2014, the defense received confirmation from the U.S. Postal Service that the certified mail had been successfully delivered and signed for on September 6, 2014.
4. On September 16, 2014, defense counsel, Michelle K. Floyd, called the Plaintiff and left a voicemail message for the Plaintiff reminding her that her deposition was scheduled for the following day at the Hammond Federal Courthouse at 9:30 a.m. (CST).
5. Defense counsel received no communication from the Plaintiff that she would not attend the deposition.
6. On September 17, 2014, defense counsel, Michelle K. Floyd, and a court

reporter from Fissing & Associates, Ltd., Melissa Hill, appeared at the Hammond Federal Courthouse for Plaintiff's deposition.

7. Plaintiff did not appear for the deposition.
8. Court staff called Plaintiff about her failure to appear for the deposition and successfully reached her three times.
9. Plaintiff hung up on Court staff three consecutive times.

In light of these failures, Defendant asks for monetary sanctions under Federal Rule of Civil Procedure 37(d)(1)(A) against Plaintiff in the amount of costs and fees incurred due to her failure to attend her deposition. Defendant requests the Court order the Plaintiff to pay \$1,192.60, which includes Attorney Michelle K. Floyd's travel/mileage expenses, her attorney fees (at the rate designated for the defense of JobWorks, Inc.), and Court Reporter Melissa Hill's fees/expenses.

Finding the matter well taken and noting Plaintiff's lack of response, the Court **GRANTS** Jobworks, Inc.'s Amended Motion for Sanctions [DE 45] and **ORDERS** Plaintiff to pay Defendant \$1,192.60 as a sanction for failing to appear for her own deposition. The Court also **DENIES as moot** Jobworks, Inc.'s Motion for Sanctions [DE 44].

SO ORDERED this 14th day of October, 2014.

s/ Paul R. Cherry
MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT

cc: All counsel of record
Plaintiff, pro se