

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF INDIANA

RUSSELL THOMAS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL NO. 2:12cv532
	)	
CITY OF GARY, <i>et al.</i> ,	)	
	)	
Defendants.	)	

OPINION AND ORDER

This matter is before the court on a Report and Recommendation by Magistrate Judge Paul R. Cherry. For the following reasons, the Report and Recommendation will be ADOPTED.

Discussion

On October 7, 2014, Magistrate Judge Cherry issued his Report and Recommendation regarding Plaintiff’s Motion for Sanctions [DE 30]. In this Report, Judge Cherry noted that the underlying discovery dispute was being resolved and thus drastic sanctions were not appropriate. However, Judge Cherry recommended that the court award Plaintiff reasonable costs (including attorney fees) caused by Defendants’ failures. *See* Fed. R. Civ. P. 37(b)(2)(B).

The Defendants filed a response to the Report and Recommendation on October 21, 2014, noting that the underlying discovery problems arose from a breakdown in communication between replacement counsel and the Defendants, and that the problems were being rectified with no prejudice to Plaintiff. Defendants accept Judge Cherry’s Recommendation that they bear the costs incurred by Plaintiffs due to the discovery dispute, and conclude that the Magistrate’s Findings, Report and Recommendation should be approved and adopted by the Court.

Conclusion

On the basis of the foregoing the court hereby APPROVES and ADOPTS Magistrate Judge Cherry's October 7, 2014 Report and Recommendation [DE 39].

Entered: December 29, 2014.

s/ William C. Lee  
William C. Lee, Judge  
United States District Court