

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

KRISTY L. LESSLEY,)
KARA J. RHODEHAMEL,)
and KAYLA M. MESSER,)

Plaintiffs,)

v.)

4:07-cv-136-DFH-WGH

THE CITY OF MADISON, INDIANA, including)
its BOARD OF PUBLIC WORKS AND SAFETY,)
its POLICE DEPARTMENT, and its FIRE)
DEPARTMENT; et al.,)

Defendants.)

**ORDER ON REQUEST FOR
MODIFICATION OF SANCTIONS ORDER**

This matter is before the Honorable William G. Hussmann, Jr., United States Magistrate Judge, on Defense Counsel’s Request for Modification of Sanctions Order filed on December 2, 2008. (Docket No. 173). Plaintiffs’ response in opposition to the request was filed on December 5, 2008. (Docket No. 177). Defense Counsel’s reply in support was filed on December 12, 2008. (Docket No. 179).


The Magistrate Judge, being duly advised, now **DENIES** the request. The Magistrate Judge’s order establishing the sanction (Docket No. 166) concluded that a sanction was necessary not merely because of inattention to court deadlines occurring between mid-July 2008 and September 2008, when the defendants’ counsel and his assistant had personal problems. The sanction was

made necessary because of a continued pattern throughout the litigation of inadequate and incomplete attention to answers to interrogatories and responses to requests for production of documents, and a failure to properly assert objections as to privilege. The question of who will pay the sanction is a matter reserved to the defendants and their counsel. The sanction shall be paid to the plaintiffs promptly.

Defense counsel's request for modification of the prior order is **DENIED**.

SO ORDERED.

Dated: January 7, 2009



WILLIAM G. HUSSMANN, JR.
Magistrate Judge

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