

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
PADUCAH DIVISION
CIVIL ACTION NO. 5:16-cv-00105-TBR**

BRANDON R. BRUIN

PLAINTIFF

v.

WHITE, et al.

DEFENDANTS

MEMORANDUM OPINION & ORDER

Before the Court is Brandon R. Bruin's Motion for Sanctions. [DN 167]. Defendants responded. [DN 168]. Bruin did not file a reply, but the time to do so has passed. Thus, the motion is ripe for adjudication. For the reasons stated below, the motion is DENIED.

I. Background

Bruin brought a motion for sanctions pursuant to Federal Rule of Civil Procedure 37(b) asking for sanctions against the defendants for failing to comply with the Court's order to complete and submit a pretrial memorandum. [DN 167 at 1]. Bruin sets out that the Court granted the defendants multiple extensions to file a pretrial memorandum, and they failed to do so by the August 5, 2020 deadline. *Id.* at 1-2. Defendants responded, arguing that Bruin's motion should be denied. [DN 168]. Defendants argue that because they timely filed a motion for summary judgment in lieu of a pretrial memorandum, as permitted by the Court, they did not fail to comply with any court order or run afoul of Rule 37(b). *Id.*

II. Discussion

The Court agrees with the defendants. Bruin's argument fails. The defendants Bruin moves against met their deadline to file dispositive motions OR a pretrial memorandum by August 5, 2020. [DN 162]. They filed a dispositive motion—a motion for summary judgment—on August 5, 2020. [DN 163]. Therefore, Bruin's motion is denied.

III. Conclusion

For the reasons stated above, the Motion for Sanctions, DN 167, is **DENIED**.

IT IS SO ORDERED.

The signature of Thomas B. Russell is written in a cursive, black ink style. It is positioned over the official seal of the United States District Court for the Eastern District of Kentucky.

**Thomas B. Russell, Senior Judge
United States District Court**

March 30, 2021

cc: counsel

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