

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

CHRISTOPHER TROTTER, ET AL.

CIVIL ACTION

VERSUS

LAUREN ENGINEERS &
CONSTRUCTORS, INC.

NO.: 16-00033-BAJ-EWD

ORDER

Before the Court is the **Motion to Recover Fees and Costs (Doc. 19)** and **Motion to Dismiss Claims of Plaintiff Earvin Williams for Failure to Prosecute Under Federal Rule of Civil Procedure 41(b) (Doc. 20)** filed by Lauren Engineers & Constructors, Inc. (“Defendant”). Through its motions, Defendant seeks to dismiss the claims of Earvin Williams (“Plaintiff”) for his failure to appear at three scheduled depositions, and to recover costs incurred as a result of Plaintiff’s failure to appear.

Defendant filed the instant motions following Plaintiff’s failure to appear for three scheduled depositions—one on July 7, 2016, one on September 8, 2016, and one on September 21, 2016. Thereafter, Plaintiff’s attorney filed a motion to withdraw as counsel for Plaintiff, citing Plaintiff’s failure to appear at scheduled depositions despite prior notice and Plaintiff’s apparent “unwillingness to participate in [his] own case.” (See Doc. 21). On November 1, 2016, the Magistrate Judge granted Plaintiff’s attorney’s Motion to Withdraw and ordered Plaintiff to respond to Defendant’s motions on or before November 14, 2016. (Doc. 22). Pursuant to the Magistrate Judge’s Order, the Clerk’s Office served Plaintiff with the order via certified mail,

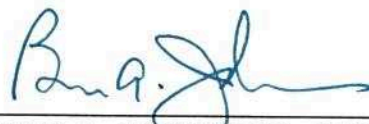
return receipt requested, to Plaintiff's address on file. (See Doc. 22). The Order was returned as unclaimed by Plaintiff. (See Doc. 23). To date, Plaintiff has not responded to the pending motions or otherwise made an appearance of record on his own behalf.

Accordingly,

IT IS ORDERED that the Clerk's Office shall serve this Order on Plaintiff, Earvin Williams, via certified mail, return receipt requested, at the address listed on PACER.

IT IS FURTHER ORDERED that Plaintiff shall respond to the **Motion to Recover Fees and Costs (Doc. 19)** and the **Motion to Dismiss Claims (Doc. 20)** on or before **Friday, February 10, 2017**. Failure to respond will result in the involuntary dismissal of Plaintiff's claims against Defendant and the imposition of sanctions in the form of attorney's fees and costs associated with Plaintiff's failure to appear for his scheduled depositions.

Baton Rouge, Louisiana, this 19th day of January, 2017.

A handwritten signature in blue ink, appearing to read "B.A. Jackson", is written over a horizontal line.

**BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**