

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JENNIFER MCDANIEL, et al., *

Plaintiffs, *

Civil No. BPG-12-2350

v. *

GGC-BALTIMORE, LLC, *

Defendant. *

* * * * *

MEMORANDUM

Currently pending is defendant’s Motion for Sanctions against Plaintiff Briemann N. Gagliano (ECF No. 39), defendant’s Motion for Sanctions against Plaintiff Jennifer McDaniel (ECF No. 40), defendant’s Renewed Motion for Sanctions against Plaintiff Briemann N. Gagliano (ECF No. 45), and defendant’s Renewed Motion for Sanctions against Plaintiff Jennifer McDaniel (ECF No. 46) (collectively, “Defendant’s Motions”). No oppositions were filed. I have reviewed Defendant’s Motions. No hearing is deemed necessary. Loc. R. 105.6. For the reasons stated below, Defendant’s Motions will be granted in part and denied in part.

Plaintiffs Briemann Gagliano and Jennifer McDaniel (“plaintiffs”) are the remaining plaintiffs in a suit in which former exotic dancers sued GGC-Baltimore, LLC d/b/a The Gentlemen’s Gold Club (“defendant”) for violations of the Fair Labor Standards Act, the Maryland Wage and Hour Law, and the Maryland Wage Payment Collection Law. (Complaint, ECF No. 1.) On February 3, 2014, plaintiffs Latoya Calder and Rashedia Talley and defendant

filed a Notice of Dismissal of all claims with prejudice against each other (ECF No. 47), which the undersigned approved by margin order (ECF No. 50).

Plaintiffs' counsel Gregg Greenberg filed Consent Motions to Withdraw as counsel for Jennifer McDaniel on December 5, 2013 (ECF No. 33) and for Briann Gagliano on December 9, 2013 (ECF No. 34). The undersigned granted Counsel Greenberg's motions. (Orders, ECF Nos. 35, 36.) The undersigned and the Clerk of court notified plaintiffs that they would be deemed to be proceeding without counsel unless and until new counsel entered an appearance on their behalf. (Id.; Local Rule 101.2 Notice, ECF Nos. 37, 38.)

On January 6, 2014, defendant filed Motions for Sanctions against Briann Gagliano (ECF No. 39) and Jennifer McDaniel (ECF No. 40), alleging that plaintiffs failed to respond to defendant's discovery requests despite repeated extensions and attempts by defendant to contact plaintiffs. On January 8, 2014, the undersigned ordered plaintiffs to respond to defendant's discovery requests. (ECF Nos. 41, 42.) Defendant filed Renewed Motions for Sanctions against Briann Gagliano (ECF No. 45) and Jennifer McDaniel (ECF No. 46) on January 31, 2014, reiterating that plaintiffs have neither responded to discovery requests nor contacted counsel. On February 4, 2014, the undersigned ordered plaintiffs to file oppositions to Defendant's Motions by February 18, 2014 and advised that, if no oppositions were filed by that date, Defendant's Motions would be treated as unopposed and plaintiffs' cases would be dismissed. (Order, ECF No. 49.) Plaintiffs have failed to file oppositions to defendant's Motions for Sanctions (ECF Nos. 39, 40) and defendant's Renewed Motions for Sanctions (ECF Nos. 45, 46), have not

responded to defendant's discovery requests, or have failed to otherwise participate in this case.

Accordingly, dismissal of plaintiffs' claims without prejudice is appropriate.¹

A separate Order will be issued.

2/28/14
Date

/s/
Beth P. Gesner
United States Magistrate Judge

¹ Dismissing plaintiffs' claims with prejudice is not appropriate at this time given the absence of any communications between plaintiffs and the court.