

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CONNIE STEELMAN, )  
                        )  
Plaintiff,           )  
                        )  
vs.                   )                      Case No. 4:12CV292 CDP  
                        )  
SRI REAL ESTATE     )  
PROPERTIES, LLC, et al., )  
                        )  
Defendants.          )

**MEMORANDUM AND ORDER**

On December 3, 2012, plaintiff Connie Steelman filed a motion asking that she not be required to appear for a deposition within the Eastern District of Missouri. She cited inclement weather and her disability as the reasons for her inability to attend a deposition here, but she did not indicate when she would be able to attend a deposition. Because the defendant had not yet noticed plaintiff's deposition, I denied plaintiff's motion as moot but warned her that she would be required to appear for a deposition in this district because she voluntarily chose to file suit here.

Defendant now seeks to dismiss plaintiff's case for her refusal to attend her properly noticed deposition in this district, scheduled for January 23, 2013. In plaintiff's response, she again failed to provide any alternative dates or to cooperate in scheduling her deposition at a mutually agreeable time. Further, when

the case management order was issued in this case – and again when I amended the case management order on January 11, 2013, to extend the time for completing discovery – plaintiff did not argue that she could not attend a deposition within the dates set forth in the court orders. This case must proceed without further delay of the case management deadlines previously established.

However, I will give the plaintiff one more opportunity to appear for her deposition in this district. Plaintiff is warned that if she fails to comply with this order, her complaint will be dismissed and she may have costs and attorney's fees assessed against her.

Accordingly,

**IT IS HEREBY ORDERED** that defendant's motion to dismiss [#48] is denied without prejudice.

**IT IS FURTHER ORDERED** that plaintiff's motion regarding her notice of deposition [#50] is denied.

**IT IS FURTHER ORDERED** that plaintiff Connie Steelman must appear for a deposition in this district no later than March 15, 2013, upon reasonable notice by the defendant.

  
CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 13<sup>th</sup> day of February, 2013.