

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

|                                 |   |                        |
|---------------------------------|---|------------------------|
| CONNIE STEELMAN,                | ) |                        |
|                                 | ) |                        |
| Plaintiff,                      | ) |                        |
|                                 | ) |                        |
| vs.                             | ) | Case No. 4:12CV365 HEA |
|                                 | ) |                        |
| INVESTMENT GROUP OF ROLLA, LLC, | ) |                        |
|                                 | ) |                        |
| Defendant.                      | ) |                        |

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on Defendant's Motion to Dismiss Plaintiff's Complaint for Failure to Prosecute, or, in the Alternative, for Costs and Sanctions, with supporting Memorandum, [Doc. No.'s 42 and 43, respectively]. Plaintiff did not respond within the time provided by the Court's Local Rules. On April 2, 2013, Defendant filed Supplemental Suggestions in Support of its Motion to Dismiss, [Doc. No. 47]. Plaintiff did not respond to this pleading.

On December 7, 2012, the Court Ordered Plaintiff to Comply with the Court's ADR referral. Plaintiff failed to do so. Furthermore, Plaintiff has not complied with discovery requests from Defendant, such as complying with deposition notices sent by Defendant.

Federal Rules of Civil Procedure 37(b)(2)(A) and (C) provide that if a party fails to obey an order to provide or permit discovery, the court where the action is pending may issue orders including, but not limited to, dismissing the action, and

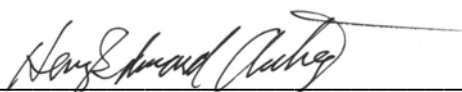
ordering the party to pay the reasonable expenses incurred, including attorney's fees, caused by the failure of the party to comply with discovery. Fed.R.Civ.P. 37(d)(2) provides that a failure to attend a properly noticed deposition "is not excused on the ground that the discovery sought was objectionable...." Similarly, Rule 41(b) provides that "[i]f the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."

Plaintiff has clearly failed to abide by this Court's Orders and has failed to diligently prosecute her case. Plaintiff has also thwarted every opportunity given by the Court for her to keep her action viable.

Accordingly,

**IT IS HEREBY ORDERED** that this matter is dismissed for failure to prosecute.

Dated this 10th day of June, 2013.

  
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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE