

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

SHEREE MURRAY, Individually and as )  
Personal Representative of the Estate of )  
LEROY MURRAY, Deceased, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
AIR & LIQUID SYSTEMS )  
CORPORATION, et al., )  
 )  
Defendants. )

No. 4:14-CV-1638 CAS

**MEMORANDUM AND ORDER**

This matter is before the Court on its own motion. On February 5, 2015, defendant General Electric Company notified the Court that it had resolved its dispute with plaintiff, and requested a 120-day stay as to the deadlines against it to finalize the settlement. On February 9, 2015, defendant CBS Corporation also notified the Court that it had resolved its dispute with plaintiff, and requested a 120-day stay as to the deadlines against it to finalize the settlement. On February 9, 2015, the Court granted defendant General Electric Company’s and defendant CBS Corporation’s motions, and ordered plaintiff’s counsel to file, within one hundred and twenty (120) days of the date of the Order, a stipulation for partial dismissal, a motion for leave to voluntarily dismiss, or a proposed partial consent judgment with respect to defendants General Electric Company and CBS Corporation. Plaintiff was warned that “Failure to comply timely with this order will result in the dismissal of these defendants with prejudice.” Doc. 107. The 120-day deadline expired, and plaintiff did not comply with the February 9, 2015 Order and file a stipulation for partial dismissal,

a motion for leave to voluntarily dismiss, or a proposed partial consent judgment with respect to these two defendants.

On November 30, 2015, the Court reminded plaintiff that the 120-day period had expired, and ordered plaintiff to file, on or before December 4, 2015, a stipulation for partial dismissal, a motion for leave to voluntarily dismiss, or a proposed partial consent judgment with respect to defendants General Electric Company and CBS Corporation. Plaintiff was again reminded that “Failure to comply timely with this order will result in the dismissal of General Electric Company and CBS Corporation with prejudice.” Doc. 210.

On December 4, 2015, plaintiff filed a motion to dismiss defendant General Electric Company, without prejudice, a motion to dismiss defendant CBS Corporation, without prejudice, a motion to withdraw her motion to dismiss defendant CBS Corporation, and a second motion to dismiss defendant CBS Corporation, without prejudice. Docs. 212-15. Plaintiff, however, failed to include certificates of service with any of these documents, as required by Rule 5 of the Federal Rules of Civil Procedure.

This was not the first time plaintiff filed a document without a certificate of service. On March 23, 2015, after previous warnings, the Court ordered that “all documents submitted by plaintiff shall include a certificate of service. Failure to do so will result in the documents being stricken from the record.” Doc. 144. After Documents 212-15 were filed without certificates of service, court personnel telephoned plaintiff’s counsel on December 7, 2015, to inform counsel that certificates of service were required for these documents. Court personnel requested that certificates of service be filed as soon as possible. Plaintiff’s counsel failed to file the certificates of service, and on December 9, 2015, the Court ordered, pursuant to its March 23, 2015 Order, that Documents 212-

15 be stricken and removed from the record. Plaintiff did not refile her motions to dismiss defendants CBS Corporation and General Electric Company and, therefore, plaintiff is not in compliance with the Court's February 9 and November 30, 2015 Orders. Plaintiff has been warned a number of times that failure to comply with the Court's orders will result in dismissal of the two defendants, but has nonetheless failed to do so. The Court will, therefore, dismiss plaintiff's claims against defendants General Electric Company and CBS Corporation, with prejudice. See Rule 41(b), Fed. R. Civ. P.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's claims against defendants General Electric Company and CBS Corporation are dismissed, with prejudice, for failure to comply with the Court's orders.

A separate Order of Partial Dismissal shall accompany this Memorandum and Order.



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**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 21st day of December, 2015.