

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MITZI PASCH,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:20-cv-782-MTS
	)	
OnDoc, LLC, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

Before the Court is Plaintiff’s Motion for Sanctions against Defendant Robert Wilson (“Defendant”). Doc. [106]. Plaintiff requests sanctions based on Defendant’s failure to cooperate with scheduled mediation. The Court held a hearing to discuss the allegations in the Motion. Doc. [112]. The parties subsequently submitted briefing on this matter. Docs. [115] & [116].

Based on review of the record, the Court is not convinced the information for mediation was entirely clear to Defendant, such that Defendant “willfully” failed to cooperate with mediation. *See St. Louis Produce Mkt. v. Hughes*, 735 F.3d 829, 832–33 (8th Cir. 2013). The Court recognizes Plaintiff’s frustration but does not find the record necessitates the “severe sanction” of striking Defendant’s pleadings. *Id.*


With that said, the parties must still go to mediation. The Court will refer the case to alternative dispute resolution immediately. The Court reminds Defendant he must make every effort to timely comply with Plaintiff’s communications and requests surrounding the scheduling of mediation and the mediation itself. Given Defendant’s prior conduct, if the Court learns of even the slightest non-compliance by Defendant, the Court will grant sanctions if requested by Plaintiff.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff’s Motion for Sanctions, Doc. [106], is **DENIED**.

**IT IS FURTHER ORDERED** that this case shall be referred to alternative dispute resolution on **May 15, 2023**, and that reference shall terminate on **July 14, 2023**, and the designation of neutral/conference report shall be filed no later than **June 5, 2023**.

Dated this 18th day of May, 2023.




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MATTHEW T. SCHELP  
UNITED STATES DISTRICT JUDGE