

[Docket Items 151, 157, 164]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

LA MECIA ROSS-TIGGETT,
Plaintiff,

v.

REED SMITH LLP, et al.
Defendants.

HONORABLE RENÉE MARIE BUMB

Civil Action
No. 15-8083 (RMB-AMD)

ORDER

This matter comes before the Court by way of a Report and Recommendation filed by Magistrate Judge Ann Marie Donio regarding the pending motion to dismiss for failure to prosecute filed by all Defendants [Docket Items 151 & 164] and by way of Plaintiff's appeal of an Order filed by Judge Donio on March 26, 2019, regarding Plaintiff's motion to compel [Docket Item 157]; Plaintiff having timely filed objections to the Report and Recommendation [Docket Item 166]; Defendants having filed a response to Plaintiff's objections to the Report and Recommendation [Docket Item 168]; Defendant having timely filed opposition to Plaintiff's appeal of Judge Donio's Order [Docket Item 158]; Plaintiff having filed a reply brief thereto [Docket Item 159]; the Court having held oral argument pertaining to these matters on September 26, 2019; for the reasons set forth on the record during the hearing of September 26, 2019;

IT IS this 26th day of September 2019, hereby

ORDERED that Plaintiff's appeal of Judge Donio's March 26, 2019 Order [Docket Item 157] shall be, and is hereby, **DISMISSED**; and it is further

ORDERED that Judge Donio's report and recommendation regarding the pending motion to dismiss [Docket Item 164] shall be, and is hereby **ADOPTED IN PART** and **MODIFIED IN PART**; and it is further

ORDERED that Defendants' motion to dismiss [Docket Item 151] shall be, and is hereby, **GRANTED IN PART** and **DENIED WITHOUT PREJUDICE IN PART**; and it is further

ORDERED that this case shall not be dismissed at this time; and it is further

ORDERED that Plaintiff shall not be permitted to use any "notes" or audio recordings that were the subject of Judge Donio's prior orders to compel discovery at trial or in any further proceeding in this case; and it is further

ORDERED that, as a further sanction, Plaintiff is hereby given one "last warning" that any further violation by Plaintiff of any discovery order, scheduling order, or any other deadline set by this Court or by Judge Donio shall automatically result in dismissal of this case with prejudice, absent a showing of good cause; and it is further

ORDERED that the parties shall appear in-person before Judge Donio on October 16, 2019 at 11:00am in Courtroom 3B for a status and scheduling conference.

s/ Renée Marie Bumb

RENÉE MARIE BUMB
United States District Judge