

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

KALA UNDERWOOD,

Plaintiff,

:

Case No. 3:09-cv-083

-vs-

:

Magistrate Judge Michael R. Merz

MONTGOMERY COUNTY, OHIO, et al.,

Defendants.

NOTICE TO PLAINTIFF

This case is before the Court upon the filing of a Report under Fed. R. Civ. P. 26(f) by Defendants (Doc. No. 13).

The Report recites that “Plaintiff has not contacted counsel for Defendants for purposes of conducting a Rule 26 conference. Plaintiff’s phone has been disconnected, and as such, counsel for Defendants is submitting this Report.”

The Court’s Order for Preliminary Pretrial Conference required, in accordance with the Federal Rules of Civil Procedure, that all parties engage in the process of conferring and preparing the Rule 26(f) Report. The Court attempted to contact Plaintiff by telephone the morning this Order was entered and was advised electronically that Plaintiff could not receive calls, thus confirming in part the experience of Defendants’ counsel.

Plaintiff is hereby advised that participation in the pretrial process is mandatory. Plaintiff must advise the Court not later than September 9, 2009, of a telephone number at which she can be reached for the pretrial conference or if she prefers to have the conference in person. If Plaintiff fails to comply

with this order and fails to appear for the pretrial conference, the case will be dismissed for want of prosecution.

September 2, 2009.

s/ **Michael R. Merz**
United States Magistrate Judge