

**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 Defendants’ Motion for Sanctions (Doc. No. 17) which requests that this case be dismissed for failure to provide discovery.

The Scheduling Order entered in this case required Plaintiff to file a list of her lay witnesses not later than December 15, 2009 (Order, Doc. No. 15). No such list has been filed. As Defendants note, in the absence of such a list, they are unable to depose witnesses, and the discovery deadline in this case is April 15, 2010. In the absence of identifying a witness, Plaintiff could not present that person’s testimony at trial.

It is accordingly ORDERED that Plaintiff show cause not later than April 15, 2010, why this Court should not grant the Motion for Sanctions, including dismissing the case with prejudice.

April 5, 2010.

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