

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

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|---------------------------------------|---|--|
| KEESYA D. ROSS,                       | : |  |
| Plaintiff,                            | : | Case No. 3:13cv00038   |
| vs.                                   | : | District Judge Timothy S. Black<br>Chief Magistrate Judge Sharon L. Ovington |
| TELEPERFORMANCE USA,<br>INC., et al., | : |  |
| Defendants.                           | : |  |

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**ORDER**

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This matter is before the Court *sua sponte*. Upon review of Plaintiff's "Notice of Opposition to Deposition" (Doc. #57), and it appearing therefrom that the parties are in disagreement as to the scheduling of Plaintiff's deposition, the Court hereby sets forth the following procedures and deadlines for the parties to follow:

1. **On or before January 15, 2014**, counsel for Defendant shall provide to Plaintiff a list of at least (4) four possible dates in February 2014 for taking her deposition;
2. **On or before January 24, 2014**, Plaintiff shall inform Defendant's counsel as to which proposed date is most convenient for her;
3. Plaintiff shall timely appear for her deposition, with or without counsel, on the date she selected from the list of possible dates provided by Defendant's counsel<sup>1</sup>;

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<sup>1</sup> Plaintiff must attend her deposition on the selected date. Willful refusal to attend is sanctionable in a variety of ways, including dismissal of this lawsuit. *See Bass v. Jostens, Inc.*, 71 F.3d 237 (6<sup>th</sup> Cir. 1995); *see also Kent v. Office of Human Resources Manager, DC Cook Nuclear Power*

4. Unless otherwise agreed upon by the parties, the deposition shall take place at the United States District Court, 200 W. 2<sup>nd</sup> Street, Dayton, OH 45402.<sup>2</sup> Defendant's counsel shall contact the Court to arrange for the use of a room; and,
5. Discovery **must be completed no later than March 7, 2014.**

The deadlines set forth above shall provide Plaintiff with ample notice prior to the taking of her deposition, as well as more than sufficient time for her to diligently seek to obtain an attorney. Such procedures should more than adequately address the concerns Plaintiff raised in her Notice (Doc. #57).

The parties shall comply with all deadlines and procedures set forth in this Order. Plaintiff, who is presently proceeding *pro se*, is advised that failure to comply or cooperate during discovery **can result in the dismissal of her case, with prejudice.** See Fed. R. 37(b)(2)(A)(v).

**IT IS SO ORDERED.**

January 9, 2014

s/Sharon L. Ovington  
Sharon L. Ovington  
Chief United States Magistrate Judge

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*Plant*, 2013 U.S. Dist. LEXIS 99016 (W.D. Mich., June 20, 2013) (“The record reflects that plaintiff refused to attend his deposition without a court order. This attitude expressed by plaintiff is contrary to the rules relating to discovery in federal civil litigation. Plaintiff cannot file a lawsuit in federal court and then blatantly refuse to follow basic procedural rules or rules of discovery.” (internal citations omitted)).

<sup>2</sup> The Court will be closed on Monday, February 17, 2014 in recognition of “Washington’s Birthday.” See 5 U.S.C. § 6103(a).