

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

TERRY LOUIS JOHNSON,)	Civil Action No. 2:09-3074-RMG-BM
)	
Plaintiff,)	
)	
v.)	
)	ORDER
NATIONAL NAIL CORP.,)	
)	
Defendant.)	
_____)	

This matter is before the Court pursuant to a motion for sanctions, to compel the reconvening of Plaintiff's deposition, and for costs, filed by the Defendant on November 16, 2010. Defendant's motion contains a certificate of service on Plaintiff's counsel.

As the requisite time for responding pursuant to Local Rule has expired, with no response having been filed by the Plaintiff, the motion is **granted**, in part. Plaintiff shall be required to attend a reconvening of his deposition, following which counsel for the Defendant shall file an affidavit of fees and costs with the Court setting forth the fees and expenses incurred with respect to having to attend this reconvened deposition.¹ Plaintiff shall thereafter have ten (10) days to file any objection as to the amount of fees and costs requested, following which an order will be entered by the Court awarding a sum of fees and costs to the Defendant, to be paid by the Plaintiff. Plaintiff is further ordered to execute an HIPAA authorization as requested by the Defendant.

¹The amount of fees and costs set forth in Defendant's current motion appear to be for Plaintiff's original deposition.

Failure by the Plaintiff to comply with the requirements of this Order may result in further sanctions, to include the possible dismissal of this case.

IT IS SO ORDERED.



Bristow Marchant
United States Magistrate Judge

December 6, 2010

Charleston, South Carolina

