



(Doc. 83.) Defendants were ordered to confer with Hitzig and notice a deposition to be conducted prior to November 30. Id. Hitzig was ordered to attend such a properly noticed deposition, or risk dismissal of her case. Id. The Court notes a discovery certificate for a Notice of Deposition of Kathryn Hitzig was filed November 16. (Doc. 85.)

Accordingly, the Court again warns Hitzig that if she does not attend her deposition, she risks dismissal of her case. See Doc. 83; Fed. R. Civ. P. 37(b)(2); Agiwal v. Mid Island Mortg. Corp., 555 F.3d 298, 302 (2d Cir. 2009). In addition to attending her deposition, Hitzig is ordered to submit expert witness reports, if any, and properly respond to Defendants' requests for production by December 16, 2011. Hitzig is warned that failure to participate in discovery and to comply with the December 16 deadline may result in dismissal of her case. The Court denies Defendants' motion to dismiss (Doc. 78) without prejudice to renew should Hitzig fail to attend her deposition or otherwise participate in discovery as ordered.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 28<sup>th</sup> day of November, 2011.

/s/ J. Garvan Murtha  
Honorable J. Garvan Murtha  
United States District Judge