

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

ROSLYN WOOD, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:13-cv-24263

BOSTON SCIENTIFIC CORPORATION,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending is Defendant's Motion to Dismiss with Prejudice for plaintiff's failure to (1) timely serve a Plaintiff Fact Sheet; (2) provide executed authorizations for records collection; and (3) schedule her deposition after numerous attempts, filed September 27, 2018. [ECF No. 21]. Plaintiff has not responded to the Motion.

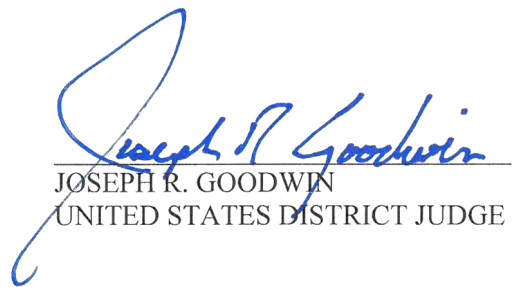
The court finds, pursuant to Rules 16 and 37 of the Federal Rules of Civil Procedure and after weighing the factors identified in *Wilson v. Volkswagen of Am., Inc.*, 561 F.2d 494, 503-06 (4th Cir. 1977), that Boston Scientific Corporation ("BSC") should be dismissed without prejudice for plaintiff's failures to comply with the court's pretrial orders as outlined above.

Therefore, the court **ORDERS** that BSC's Motion [ECF No. 21] is **GRANTED in part** to the extent BSC seeks dismissal and **DENIED insofar as BSC seeks**

dismissal of the entire case with prejudice. The court **ORDERS** that BSC is dismissed from this action and, because no other defendant remains, the case is closed.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: August 21, 2020



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE