

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

**CHARLESTON DIVISION**

DOROTHY DANIELS,

Plaintiff,

v.

CIVIL ACTION NO. 2:14-CV-15955

MENTOR WORLDWIDE LLC, et al.

Defendants.

**MEMORANDUM OPINION AND ORDER**

Pending is Defendant Coloplast Corp. (“Coloplast”) and Mentor Worldwide, LLC’s (“Mentor”) Motion to Dismiss Pursuant to FRCP Rule 37, filed August 3, 2018, 2018. [ECF No. 13]. In the Motion, defendants Coloplast and Mentor move to dismiss plaintiff’s claims against them with prejudice for failure to serve and file a plaintiff fact sheet. Plaintiff has not responded.

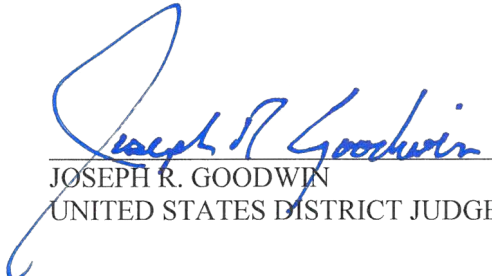
The court finds, pursuant to Rules 16 and 37 of the Federal Rules of Civil Procedure and after weighing the factors identified in *Wilson v. Volkswagen of Am., Inc.*, 561 F.2d 494, 503-06 (4th Cir. 1977), the plaintiff’s claims against Coloplast and Mentor should be dismissed without prejudice for failure to serve and file a completed plaintiff fact sheet in compliance with the court’s previous pretrial order.

Therefore, the court **ORDERS** that the Motion to Dismiss [ECF No. 13] is **GRANTED in part to the extent Coloplast and Mentor seek dismissal** and **DENIED insofar as Coloplast and Mentor seek dismissal with prejudice**. The court **ORDERS** that Coloplast and Mentor

are dismissed without prejudice. No additional defendants remain, and the Clerk is **DIRECTED** to dismiss and strike the case from the active docket.

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

ENTER:        March 18, 2019

  
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JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE