

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

SUSAN M. BORN,

Plaintiff,

v.

MILWAUKEE COUNTY,

Defendant.

Case No. 17-CV-1783-JPS

ORDER

On November 21, 2018, Defendant filed a motion to dismiss this action as a sanction for Plaintiff's failure to meet her discovery obligations. (Docket #45). One week later, Defendant filed a settlement report indicating that this case had been settled. (Docket #49). The Court thus took no action on the motion to dismiss and waited for a stipulation of dismissal. However, on December 14, 2018, Defendant filed another motion, this time seeking to extend the deadline for filing dispositive motions. (Docket #51). Defendant explains that while Plaintiff had originally agreed to stipulate to dismissal with Defendant waiving pursuit of costs, Plaintiff had changed her mind and demanded over a million dollars to settle. (Docket #52). When this was not forthcoming, Plaintiff tried to extort money from Defendant's counsel in exchange for dropping a bar complaint she filed against him. *Id.*

This appalling conduct, combined with the unrebutted arguments in Defendant's motion to dismiss (Plaintiff never responded to the motion), is more than an ample basis upon which to sanction Plaintiff with dismissal of this action. Fed. R. Civ. P. 37; Civ. L. R. 41(c); *Hoskins v. Dart*, 633 F.3d 541, 543–44 (7th Cir. 2011). The Court will, therefore, grant Defendant's motion to dismiss and dismiss this action with prejudice. Whereas Plaintiff

could have escaped without paying Defendant's costs had she continued with the settlement, Defendant is now free to pursue those if it so chooses. Defendant's motion for an extension of the dispositive motion deadline will be denied as moot.

Accordingly,

IT IS ORDERED that Defendant's motion to dismiss (Docket #45) be and the same is hereby **GRANTED**;

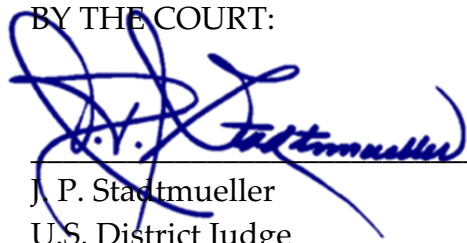
IT IS FURTHER ORDERED that Defendant's motion for an extension of time (Docket #51) be and the same is hereby **DENIED as moot**; and

IT IS FURTHER ORDERED that this action be and the same is hereby **DISMISSED with prejudice**.

The Clerk of the Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 28th day of December, 2018.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge