IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BRITTANY THOMPSON, et al.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	CIVIL ACTION NO.
	:	1:14-CV-0390-RWS
1715 NORTHSIDE DRIVE, INC.,	:	
	:	
Defendant.	:	

ORDER

This matter is before the Court on Defendant's Motion to Dismiss [Doc. No. 134].

In early 2016, the parties notified the Court that they had reached a settlement agreement regarding all remaining issues in this action. However, the parties did not file the settlement agreement for the Court's approval, and so the Court ordered the parties to file a status report [Doc. No. 120]. The parties did not do so, and the Court *sua sponte* dismissed this action. In their Motion for Reconsideration [Doc. No. 123], Plaintiffs informed the Court that there was a settlement in principle but that final negotiations regarding the drafting of the agreement itself were ongoing. Plaintiffs also noted that it was difficult to coordinate with the large number of Plaintiffs in this action. Despite Defendant's

arguments to the contrary, the Court granted relief because the parties had reached a settlement in principle and the Court did not want to incentivize Defendant to back out of the settlement or punish Plaintiffs because the attorneys had not completed the necessary paperwork.

In the order granting Plaintiffs' Motion for Reconsideration [Doc. No. 125], the Court ordered the parties to file their proposed consolidated pretrial order. Although Plaintiffs filed a pretrial order [Doc. No. 127], it was lacking many of the required attachments, such as the witness list, exhibit list, and designated deposition testimony. At the pretrial conference on February 16, 2017, Defendant informed the Court that these disclosures were never made, and the Court provided Plaintiffs with additional time to provide these items. According to Defendant, Plaintiffs still have failed to provide these disclosures, even though more than a week has transpired since the deadline.

Federal Rule of Civil Procedure 41 expressly authorizes the Court to dismiss an action for failure to prosecute or for failure to obey a court order. The Local Rules of this Court provide the same. L.R. 41.3(A)(1)-(2). Dismissal of an action is appropriate when there is "a clear record of delay or willful contempt and a finding that lesser sanctions will not suffice." Goforth v. Owens, 766 F.2d 1533,

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1535 (11th Cir. 1985). As the foregoing demonstrates, there is a clear record of delay and willful contempt by Plaintiffs. For over four months, Plaintiffs have failed to provide Defendant materials that are necessary for Defendant to prepare for trial. Plaintiffs then disobeyed the Court's order to provide these materials by February 22. Plaintiffs also failed to communicate any issues to the Court. This is not the first time that Plaintiffs have failed to obey the Court's orders.

The Court has already been sympathetic to Plaintiffs and reopened this action even after Plaintiffs failed to respond to the Court's order regarding filing the settlement for the Court's approval. The Court had hoped that Plaintiffs' counsel's behavior would change. The Court acknowledges that Mr. Collins is now deceased, but his colleagues made express representations to the Court at the pretrial conference that they would be prepared to represent Plaintiffs. Instead, Plaintiffs have continued to disobey the Court's orders and delay the Court's and the Defendant's preparations for trial. Given the circumstances here, the Court finds that lesser sanctions will not suffice.

For the reasons discussed above, Defendant's Motion to Dismiss [Doc. No. 134] is GRANTED. This case is DISMISSED with prejudice pursuant to Federal Rule of Civil Procedure 41(b). The Clerk is DIRECTED to enter judgment in

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favor of Defendant and close this action.

SO ORDERED, this 3rd day of March, 2017.

RICHARD W. STORY
UNITED STATES DISTRICT JUDGE