

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

SPINNAKERS, INC., et. al.,)	
)	
Plaintiffs,)	
)	
VS.)	No. 01-1103
)	
THE CITY OF JACKSON, TENNESSEE,)	
et. al.,)	
)	
Defendants.)	

ORDER GRANTING DEFENDANT WOOLFORK'S MOTION TO DISMISS

On August 21, 2001, Defendant Sheriff David Woolfork submitted to Plaintiffs a request for production of documents and a first set of interrogatories. On October 23, 2001, Defendant Woolfork filed a motion to compel Plaintiffs to respond to his request for production of documents and first set of interrogatories. Defendant Woolfork's motion to compel was referred to United States Magistrate Judge J. Daniel Breen for disposition. On November 15, 2001, Magistrate Judge Breen entered an order granting Defendant Woolfork's motion to compel and allowing Plaintiffs eleven days in which to comply. Magistrate Judge Breen also warned Plaintiffs that failure to respond could result in the dismissal of Plaintiffs' action. Plaintiffs failed to comply with the November 15, 2001, order.

On November 29, 2001, Defendant Woolfork filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 37. Rule 37 (b)(2)(C) provides that a court may dismiss an action or any part thereof as a sanction for failure to comply with discovery orders. Since Plaintiffs failed to comply with Magistrate Judge Breen's order, dismissal is an appropriate and sufficient sanction.

Defendant Woolfork's motion to dismiss is GRANTED. Plaintiffs' action against Defendant Woolfork is DISMISSED. Defendant Woolfork's request for reasonable expenses and attorneys' fees is DENIED.

IT IS SO ORDERED.

JAMES D. TODD
UNITED STATES DISTRICT JUDGE

DATE