

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

United States of America for Alliance)
Mechanical, Inc.,)
)
Plaintiff,) Case No. 11 C 50126
)
vs.)
)
Alacran Contracting, LLC, et al.,) Judge Philip G. Reinhard
)
Defendants.)

ORDER

The court has reviewed the record and accepts the report and recommendation. The court finds defendant Alacran Contracting, LLC in default pursuant to Fed. R. Civ. P. 55 (a) for failure to otherwise defend, Fed. R. Civ. P. 37(c) for failure to comply with plaintiff's discovery requests, as well as pursuant to the court's inherent authority to sanction litigants who abuse the judicial process.

STATEMENT

On March 20, 2015, Magistrate Judge Johnston entered a report and recommendation [162] recommending that an order of default be entered against defendant Alacran Contracting, LLC ("Alacran") pursuant to Fed. R. Civ. P. 55 (a) for failure to otherwise defend, Fed. R. Civ. P. 37(c) for failure to comply with plaintiff's discovery requests, as well as pursuant to the court's inherent authority to sanction litigants who abuse the judicial process. No timely objection has been filed. The court has reviewed the record and accepts the report and recommendation.

Alacran's counsel was granted leave to withdraw on February 17, 2015. A status hearing was set for February 26, 2015 to allow Alacran to find new counsel. No new counsel appeared at that hearing or at the subsequent hearing set for March 17, 2015. No attorney appearance has been entered for Alacran since its prior counsel's withdrawal. Magistrate Judge Johnston, on February 26, 2015, in a minute entry [159] advised Alacran that if it did not appear by counsel on March 17, 2015, the court anticipated entering a report and recommendation that default be entered. Magistrate Judge Johnston found in the report and recommendation that "Alacran's failure to defend follows a history of shirking its duties to comply with court orders and rules. Specifically, Alacran failed to meet its obligations to produce discovery requested that required multiple court orders granting motions to compel." Magistrate Judge Johnston cited similar conduct by Alacran in other cases pending before the court.

Accordingly, the court finds defendant Alacran Contracting, LLC in default pursuant to Fed. R. Civ. P. 55 (a) for failure to otherwise defend, Fed. R. Civ. P. 37(c) for failure to comply with plaintiff's discovery requests, as well as pursuant to the court's inherent authority to sanction litigants who abuse the judicial process.

Date: 4/07/2015

ENTER:

Philip G. Reinhard

United States District Court Judge
Electronic Notices. (LC)