

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

CASEY SOBBERI,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:16CV60 SNLJ
)	
MATTHEW HOWARD,)	
)	
Defendant.)	

MEMORANDUM and ORDER

On July 17, 2017, this Court ordered plaintiff to serve his Rule 26 disclosures on defendant by August 7, 2017 (#37.). As of August 8, 2017, defendant had not received the disclosures, so defendant filed a motion to dismiss for failure to prosecute (#38). Plaintiff responded that he sent his “interrogatories and documents” to an address on Olive Street in St. Louis from which defendant’s attorney was sending documents. Plaintiff then re-sent documents to a P.O. Box in St. Louis. He also states that he gave counsel two sworn affidavits in person on August 4, 2017.

Defendant’s reply states that defendant has still not received plaintiff’s Rule 26 disclosures. Defendant suggests that plaintiff has in fact never sent his Rule 26 disclosures but instead forwarded his answers to interrogatories and responses to requests for production.

Neither party has filed to supplemental memorandum. Plaintiff is advised that his Rule 26 disclosures are mandatory under the Federal Rules of Civil Procedure and that they

are, in fact, different from his obligations to respond to discovery requests served by defendant such as interrogatories or production requests. Out of an abundance of caution, and because plaintiff has not clearly stated whether he has served defendant with his Rule 26 disclosures, the Court will allow plaintiff 21 days to show cause why this Court should not dismiss his lawsuit for failure to comply with a Court order pursuant to Federal Rule of Civil Procedure 41(b). That is, if plaintiff has by now served his Rule 26 disclosures on defendant, he must say when and how he did so no later than January 16, 2018. If plaintiff fails to respond to the Court by January 16, 2018, his case will be dismissed.

Accordingly,

IT IS HEREBY ORDERED that plaintiff shall show cause why this Court should not dismiss his lawsuit pursuant to Federal Rule of Civil Procedure 41(b) no later than January 16, 2018.

Dated this 26th day of December, 2017.



UNITED STATES DISTRICT JUDGE