

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

THE HYDE MUHLER CORP.,)	
)	
Plaintiff,)	
)	
v.)	No. 3:04-cv-64
)	(PHILLIPS/GUYTON)
JOE NATHAN WARD, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by Order [Doc. 49] of the Honorable Thomas W. Phillips, United States District Judge, for disposition of plaintiff's Motion for Sanctions [Doc. 44] and Motion for Show Cause Order [Doc. 48]. This matter came before the Court on October 29, 2007 for a motion hearing in which the Court ordered defendant Joe Ward, with his consent and agreement, to participate in a deposition on December 7, 2007 [Doc. 51]. At the hearing, the Court advised the parties it would reserve ruling on plaintiff's Motion for Sanctions [Doc. 44] and Motion for Show Cause Order [Doc. 48] until after December 7, 2007, the date of Mr. Ward's deposition. Having been advised Mr. Ward participated in the December 7 deposition, this matter is now ripe for adjudication.

Although Mr. Ward participated in the December 7 deposition, counsel for plaintiff advised this Court that he did not produce any relevant loan applications, documents, or personal tax returns as ordered. Counsel for plaintiff further advised the Court that he had been in communication with counsel for defendant and was hopeful the requested business and tax documents from Mr. Ward

would be forthcoming. The Court then directed plaintiff to advise the Court in writing of the status of this case by February 1, 2008 [Doc. 52].

The Court takes notice that counsel for plaintiff has not filed an update of this matter on CM-ECF, per this Court's directive, nor has he contacted chambers requesting more time to settle this matter. In light of this Court's advisement that these motions will not be held in abeyance indefinitely, plaintiff's Motion for Sanctions [Doc. 44] and Motion to Show Cause [Doc. 48] are **DENIED WITHOUT PREJUDICE**. Plaintiff, may if needed, refile the above motions, and at the appropriate time, the Court will take them under advisement.

The Clerk is directed to send a copy of this Order to Mr. Ward.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge