

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

D. SCOTT FLORER,

Plaintiff,

v.

FORD MOTOR COMPANY, INC.;
LITHIA FORD OF BOISE, INC.;
RHETT SHEEDER; RICH STUART;
ANGELO SANCHEZ; TRAVIS
STEAR; and LISA CRABTREE,

Defendants.

Case No. 1:22-cv-00449-BLW-DKG

**ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS OF
MAGISTRATE JUDGE**

This matter is before the Court on Plaintiff D. Scott Florer's objections to the Report and Recommendation issued by United States Magistrate Judge Debora K. Grasham. *See* Dkts. 192, 209. Judge Grasham recommends dismissing this case as a sanction for plaintiff's discovery violations. Florer has objected to that recommendation. Pursuant to 28 U.S.C. § 636, the Court has conducted a de novo review of those portions of the Report and Recommendation to which Florer has objected. The objections are overruled. The Court accepts the findings and recommendations of the Magistrate Judge, and adopts the Report and Recommendation in its entirety. The Court agrees that dismissal with prejudice is an appropriate sanction. *See generally Transamerica Life Ins. Co. v. Arutyunyan*,

93 F.4th 1136 (9th Cir. 2024). The Court will therefore dismiss this case. The Court will not enter judgment at this time, however, given that Judge Grasham reserved ruling on whether to award fees and costs to Ford Motor Company (FMC) relative to FMC's filing of the motion to dismiss and its failed efforts to depose Mr. Florer. *See Report & Recommendation*, Dkt. 192, at 19. Under these circumstances, the Court will hold off on entering judgment for at least 21 days. If FMC decides against pursuing these fees and costs, the Court will proceed to enter judgment. If FMC elects to seek fees and costs, the Court will refrain from entering judgment until that motion is resolved. Accordingly,

IT IS ORDERED that:

- (1) Plaintiff's Objections to United States Magistrate Judge Debora K. Grasham's Report & Recommendation (Dkt. 192) are **OVERRULED**.
- (2) Defendant FMC's Motion to Dismiss (Dkt. 180), which was joined by Defendants Lithia Ford of Boise, Rhett Sheeder, Rich Stuart, Angelo Sanchez, Travis Steer, and Lisa Crabtree (Dkt. 183), is **GRANTED**.
- (3) This action is therefore **DISMISSED WITH PREJUDICE** pursuant to Federal Rule of Civil Procedure 37(b)(2)(A)(v) and 41(b).
- (4) The pending motions at Dkts. 118, 120, 128, 135, 138, 142, 152, 159, 184, 187, 194, 195, 200 are **DEEMED MOOT**.

(5) If FMC wishes to pursue fees and costs, it shall file a motion and supporting memorandum within 21 days of this Order.



DATED: April 4, 2024

A handwritten signature in black ink, reading "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill
U.S. District Court Judge