



Susan L. Schroeder v. Seminole County Public Schools School Board

2012 | Cited 0 times | M.D. Florida | August 28, 2012

ORDER

This cause comes before the Court upon the Report and Recommendation of Magistrate Judge Thomas B. Smith, filed on August 8, 2012 (Doc. 85). In the Report and Recommendation, the Magistrate Judge recommends that the Court grant Defendants Kathy Fredericks, Robin Dehlinger, Shirley Geiss, Sarah Mansur, Siobhan Pitters, Andrew Lorenz, Van Heusen and Seminole County Public Schools School Board's (collectively, "the Defendants") Amended Joint Motion to Dismiss ("Motion to Dismiss") (Doc. 83). See Doc. 85. Neither party has filed an objection to the Report and Recommendation and the time to do so has expired.

The Court is in agreement with the Magistrate Judge that Plaintiff Susan L. Schroeder ("Plaintiff") has failed to comply with the Court's Orders. See, e.g., Doc. 75. Accordingly, Plaintiff's Complaint is subject to dismissal. However, as the Magistrate Judge notes, dismissal with prejudice is not appropriate as the record does not support a finding of willful disobedience of the Court's Orders, bad faith or other contumacious conduct. See Doc. 85, pp. 4-5. Therefore, after conducting an independent examination of the file and upon due consideration of the Magistrate Judge's Report and Recommendation, the Court accepts the Report and Recommendation in its entirety.

Accordingly, it is hereby ORDERED and ADJUDGED:

1. The Report and Recommendation of the Magistrate Judge (Doc. 85) is ADOPTED, CONFIRMED and APPROVED in all respects and is made a part of this Order for all purposes, including appellate review.
2. Defendants Kathy Fredericks, Robin Dehlinger, Shirley Geiss, Sarah Mansur, Siobhan Pitters, Andrew Lorenz, Van Heusen and Seminole County Public Schools School Board's Amended Joint Motion to Dismiss (Doc. 83) is GRANTED, without prejudice.
3. This action is DISMISSED, without prejudice. The Clerk is directed to close this case.

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COUNSEL OF RECORD

