



Issue Date: 03 August 2011

CASE NO.: 2011-STA-00012

IN THE MATTER OF

MICHAEL GARRETT
Complainant

v.

BASIC ENERGY'S SERVICES, LLP
Respondent

ORDER GRANTING MOTION TO DISMISS BASED ON ABANDONMENT

On April 18, 2011, Complaint's former counsel, Paul Taylor, Esq., filed a Motion for Leave to Withdraw as Complainant's Attorney.¹ On April 29, 2011, Employer filed a Motion to Compel Complainant to respond to discovery requests. Due to Complainant being unrepresented, the undersigned held a telephone conference with the parties on May 23, 2011. During the telephone conference, the undersigned explained to Complainant the repercussions of his failure to comply with a discovery request.²

On June 27, 2011, Respondent filed a Motion to Dismiss alleging Complainant has failed to Comply with this court's order of May 25, 2011, by not responding to Employer's discovery request and not obtaining new counsel. In an Order dated, July 6, 2011, the undersigned, granted Complainant an additional twenty (20) days to Comply.³

To date, the Complainant has not complied with this Court's Order, nor has been in contact with this Court or opposing counsel as to the status of his discovery responses.

¹ In his Motion, Mr. Taylor advised the Court, that Complaint had not responded to correspondence or telephone calls for two weeks.

² The undersigned granted an additional thirty (30) days to Complainant to obtain new counsel and to comply with Employer's discovery request

³ The undersigned advised in his Order that, if Complainant has not complied within twenty (20) days, the undersigned would dismiss the case with prejudice.

ORDER

Considering the foregoing,

Complainant has failed to comply with this Court's previous Orders; therefore, under these circumstances, I conclude that the claim be **DISMISSED** with prejudice, by reason of abandonment

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**CLEMENT J. KENNINGTON
ADMINISTRATIVE LAW JUDGE**