

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF KANSAS

MELISSA J. TREVIZO,

Plaintiff,

Vs.

No. 14-1028-SAC

DG RETAIL, LLC,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

The case comes before the court on the Report and Recommendation entered by the United States Magistrate Judge Sebelius on December 16, 2014. (Dk. 42). The certified mail receipt shows the *pro se* plaintiff received the Report and Recommendation on December 20, 2014. (Dk. 44). It notified her that written objections were to be served and filed within 14 days "after being served with a copy" pursuant to 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b)(2), and D. Kan. Rule 72.1.4 (b). (Dk. 42, p. 6). This 14-day period has expired without the parties filing any objections.

Accordingly, the court adopts the Magistrate Judge's Report and Recommendation in its entirety, and the defendant's motion for sanctions is granted. The court has reviewed the defendant's affidavit submitted in support of the attorneys' fees and costs that the Report and Recommendation determined are required by the rules. The court finds that the defendant's reasonable fees and costs caused by the failure of the

plaintiff to attend her own deposition are court reporting costs in the amount of \$151.25, attorney's fees of \$3,204.00, and paralegal fees of \$742.50, for a total award of fees and costs of \$4097.75.

IT IS THEREFORE ORDERED THAT the Report and Recommendation of the Magistrate Judge (Dk. 42) is adopted in its entirety, the defendant DG Retail LLC's motion for sanctions (Dk. 40) is granted, the defendant is awarded fees and costs as sanctions in the amount of \$4097.75, and the plaintiff's case is dismissed with prejudice.

Dated this 9th day of January, 2015, Topeka, Kansas.

s/Sam A. Crow
Sam A. Crow, U.S. District Senior Judge