



Issue Date: 10 April 2014

In the Matter of:

**ZACHARY A. BRUNER,
Complainant,**

Case No.: 2013-STA-00058

v.

**GREYHOUND LINES,
Respondent.**

ORDER GRANTING MOTION TO DISMISS

This case arises under the Surface Transportation Assistance Act (STAA), 49 U.S.C. § 31105, as amended by the Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110-53.

On November 26, 2013, the Respondent served Complainant with Interrogatories and Document Requests pursuant to §§18.13 and 18.19. Complainant did not respond. On January 7, 2014, Respondent's counsel wrote to Complainant requesting that Complainant comply with his discovery obligations by responding to Respondent's written discovery requests. Claimant did not respond to Respondent's letter or provide responses to Respondent's written discovery requests.

On February 10, 2014, Respondent again wrote to Complainant requesting that Complainant comply with his discovery obligations by responding to Respondent's written discovery requests. Respondent's letter further advised Complainant that Respondent intended to move to dismiss this case if Respondent did not hear from Complainant within seven days. Over two weeks later, Respondent still had not received any response from Complainant.

Respondent asserts that Complainant's failure to communicate with counsel and comply with discovery requests has prevented Respondent from completing written discovery, taking Complainant's deposition, preparing a motion for summary judgment, or adequately preparing for the June 4, 2014, hearing.

On February 25, 2014, Respondent Greyhound Lines filed a *Motion to Dismiss Based on Complainant's Failure to Prosecute His Claims and Comply With Discovery Obligations*. Respondent argued that Complainant's unwillingness to comply with the rules applicable to the

proceeding he initiated warrants a dismissal of his claim in its entirety. Respondent further argued that Complainant's ongoing refusal to cooperate in the discovery process and prosecute his claims warrants dismissal with prejudice, particularly considering Respondent's good-faith efforts to obtain compliance and Complainant's failure to articulate a reason for his refusal and to engage in the discovery process.

Respondent first served Complainant with Interrogatories and Document Requests over three months prior the current *Motion to Dismiss*, and Complainant has repeatedly failed to respond to Respondent's requests or articulate a reason for this failure. Despite Respondent's repeated attempts to secure a response, Complainant has remained silent and failed to respond. Additionally, Complainant has not responded to Respondent's *Motion to Dismiss*. I therefore **GRANT** Respondent's *Motion to Dismiss* based on Complainant's failure to prosecute his claims and comply with discovery obligations. I hereby **DISMISS** the case of Zachary A. Bruner v. Greyhound Lines, 2013 STA 58, without prejudice.

SO ORDERED.

CHRISTINE L. KIRBY
Administrative Law Judge

Washington, D.C.