

**U.S. Department of Labor**

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**Issue Date: 28 August 2013**

CASE NO: 2013-STA-00035

In the Matter of:

**DONALD GRUVER,**  
Complainant,

v.

**ABOVE PAR TRANSPORTATION, et al.,**  
Respondent.

**DISMISSAL**

This case was brought by the Complainant, Donald Gruver, under the employee protection provisions of the Surface Transportation Assistance Act of 1982, 49 U.S.C. Section 31105. On April 11, 2013, I issued a Notice of Hearing and Pre-Hearing Order in which I established discovery deadlines and set the hearing for August 6, 2013 in St. Louis, Missouri.

On August 1, 2013, I received a Motion from Mr. Gruver's counsel seeking to withdraw from the case "due to a lack of communication from the client." On receipt of the Motion, I instructed my law clerk, Wendy Doernberg, to attempt to reach Mr. Gruver by telephone. Ms. Doernberg stated that she called Mr. Gruver, leaving a voice mail identifying herself and asking Mr. Gruver to return her call. I further asked Ms. Doernberg to notify both counsel that the hearing on August 6, 2013 was cancelled. Mr. Gruver never responded to Ms. Doernberg's request to contact the court.

On August 6, 2013, I issued a Notice to Show Cause indicating the case would be dismissed if Mr. Gruver failed to respond to my order or he failed to provide good cause for failing to communicate with his counsel and for failing contact the court. In the Notice to Show Cause, I also cancelled the hearing scheduled for August 6, 2013, I allowed Mr. Gruver's counsel to withdraw and I suspended all deadlines, including discovery deadlines. Finally, I gave Mr. Gruver until August 23, 2013 to respond.

As of this date, Mr. Gruver has not responded to my order. Therefore, for failure to communicate with counsel and for failure to respond to the Notice to Show Cause, the case of

*Donald Gruver v. Above Par Transportation et al.*, 2013 STA 00035, is hereby **DISMISSED WITH PREJUDICE**.

**SO ORDERED.**

**STEPHEN M. REILLY**  
Administrative Law Judge