

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 20 August 2013

CASE NO: 2013-STA-00034

In the Matter of:

ROSILAND RICE,
Complainant,

v.

SWIFT TRANSPORTATION CORP.,
Respondent.

DISMISSAL

This case was brought by the Complainant, Rosiland Rice, 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 7, 2013 in St. Louis, Missouri.

On July 15, 2013, I received a Motion from Ms. Rice's counsel seeking to withdraw from the case indicating that Ms. Rice "has not maintained contact with counsel's office." On receipt of the Motion, I instructed my law clerk, Wendy Doernberg, to set up a telephone conference with Ms. Rice, her counsel, Paul Taylor, and employer's counsel, Patrick J. Miller. Ms. Doernberg stated that she called Ms. Rice and personally informed her of the date and time of the phone call. On July 18, 2013 at 10:00 AM (Eastern Time), the conference operator informed me that she could not reach Ms. Rice, even after trying three different numbers provided by Ms. Doernberg. I held the call with Mr. Taylor and Mr. Miller.

On July 18, 2013, based on Mr. Taylor's Motion and the discussions on the call, I cancelled the hearing, allowed Mr. Taylor to withdraw as counsel, and suspended discovery deadlines in the case. Furthermore, I ordered Ms. Rice to show cause why the case should not be dismissed for failing to communicate with her counsel and for failing to participate in the July 18, 2013 telephone conference. I gave Ms. Rice until August 14, 2013 to respond. I included in the Order to Show Cause, a notice that failure to respond to the Order would result in dismissal of her case.

As of this date, Ms. Rice has not responded to my order. Therefore, for failure to communicate with counsel, for failure to participate in the proceedings and for failure to respond to the Order to Show Cause, the case of *Rosiland Rice v. Swift Transportation Corp.*, 2013 STA 00034, is hereby **DISMISSED WITH PREJUDICE**.

SO ORDERED.

STEPHEN M. REILLY
Administrative Law Judge