

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

SAMUEL IKEM,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CASE NO. 3:03CV2231 (RNC)
	:	
WESTWOOD CONDOMINIUM	:	
ASSOCIATION, ET AL.,	:	
	:	
Defendants.	:	

RECOMMENDED RULING ON DEFENDANTS' MOTION TO DISMISS

Pending before this court is the defendants' Motion to Dismiss and for Costs and Fees (doc. #43).¹ For the following reasons, the court recommends that the motion to dismiss be DENIED WITHOUT PREJUDICE and the motion for Costs and Fees be GRANTED.

The defendant's motion is predicated upon the plaintiff's failure to respond to discovery requests and failure to appear for his noticed deposition. The motion also is based on the plaintiff's "failure to cooperate with the defendants in complying with court orders, and failure to prosecute his case." (*Id.* at 1.)

The court scheduled oral argument on the defendant's motion to dismiss and required both plaintiff's counsel and the plaintiff to appear (Doc. #58.) Neither the plaintiff nor his counsel appeared for oral argument. During oral argument, counsel for the defendants pressed the motion to dismiss. Defendants' counsel

¹On April 20, 2005, Chief Judge Robert N. Chatigny referred the motion to the undersigned for a recommended ruling (doc. #49).

March 28, 2006. After review and absent objection, the Magistrate Judge's recommended ruling is hereby approved and adopted. So ordered.

Robert N. Chatigny, U.S.D.J.

FILED

MAR 29 11:43