

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

JAMES THOMAS, M.D., )  
)  
Plaintiff, )  
)  
vs. ) 1:15-cv-00640-SEB-DML  
)  
INDIANA PHYSICIAN MANAGEMENT- )  
RUSH, LLC, )  
ST. VINCENT RANDOLPH HOSPITAL )  
INC., and JOSHUA GEESY, )  
)  
Defendants. )

ORDER ADOPTING REPORT AND RECOMMENDATION  
AND ENTERING JUDGMENT

On February 16, 2016, Magistrate Judge Lynch issued a Report and Recommendation that the Court:

1. GRANT the plaintiff's motion to withdraw lawsuit, at Dkt. 54, and dismiss the plaintiff's claims with prejudice.
2. DENY AS MOOT the defendants' motions for judgment on the pleadings, at Dkts. 38 and 45.
3. ENTER a sanction in the amount of \$500 against Dr. Thomas and in favor of defendant Indiana Physician Management-Rush, LLC ("IPM"), in resolution of (a) the outstanding attorneys' fee issue from IPM's motion to compel (*see* Dkts. 50 and 55) and (b) IPM's motion for sanctions (Dkt. 53).

Plaintiff James Thomas, M.D. has filed a response to the Report and Recommendation, which the Court treats as an objection. None of the other parties filed an objection.

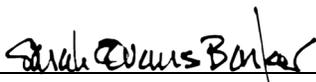
Dr. Thomas does not object to the Court's granting his motion to withdraw lawsuit, dismissing his claims with prejudice, and denying as moot the defendants' motions for judgment on the pleadings. He objects only to the Court's entry of a sanction in the amount of \$500 against him and in favor of defendant Indiana Physician Management-Rush, LLC ("IPM"). His

objection is the discovery violations that underpin the \$500 sanction are the fault of his lawyer and not him. Even if that is true—and the Court does not purport to determine the relative fault between Dr. Thomas and his lawyer—Dr. Thomas, as the litigant, is responsible for the acts of his attorney. *See, e.g., Roland v. Salem Contract Carriers, Inc.*, 811 F.2d 1175, 1180 (7<sup>th</sup> Cir. 1987). The Court therefore **OVERRULES** Dr. Thomas’s objection.

The Court adopts the Magistrate Judge’s Report and Recommendation, and **ORDERS**:

1. The plaintiff’s motion to withdraw lawsuit (Dkt. 54) is **GRANTED**.
  2. The defendants’ motions for judgment on the pleadings (Dkts. 38 and 45) are **DENIED AS MOOT**.
  3. A sanction, and **JUDGMENT**, in the amount of \$500 is **HEREBY ENTERED** against plaintiff James Thomas, M.D. and in favor of defendant Indiana Physician Management-Rush, LLC. This resolves the outstanding fees and sanctions issues addressed in Dkts. 53 and 55.
  4. The plaintiff’s complaint is **DISMISSED WITH PREJUDICE**.
- SO ORDERED.**

DATED: 4/13/2016

  
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SARAH EVANS BARKER, JUDGE  
United States District Court  
Southern District of Indiana

**DISTRIBUTION:**

All ECF-registered counsel of record by email through the Court’s ECF system

**VIA UNITED STATES MAIL:**

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