

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
OKLAHOMA

Thomas T. Davis v. Dura-Line LLC

Davis v. Dura-Line LLC · No. 24-CV-488-JFH-DES · Decided January 8, 2026

SUMMARY

The document is a Report and Recommendation from the United States District Court for the Eastern District of Oklahoma concerning Defendant Dura-Line LLC’s motion to dismiss Thomas T. Davis’s employment-discrimination and retaliation claims. The magistrate judge recommends dismissal with prejudice under Federal Rules of Civil Procedure 37(b) and 41(b) based on Plaintiff’s failure to comply with discovery obligations and conditions imposed when an earlier action was dismissed. The recommendation applies the Tenth Circuit’s Ehrenhaus factors and finds that dismissal is warranted.

CASE DETAILS

COURT	United States District Court for the Eastern District of Oklahoma
WRITING FOR THE COURT	D. Edward Snow
JURISDICTION	United States District Court for the Eastern District of Oklahoma
DECIDED	January 8, 2026
DOCKET	24-CV-488-JFH-DES
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved to dismiss the refiled employment-discrimination action with prejudice under Federal Rules of Civil Procedure 37(b) and 41(b) based on Plaintiff's failure to comply with an earlier court order requiring timely, objection-free discovery responses. The magistrate judge issued a Report and Recommendation recommending that the motion be granted.
STANDARD OF REVIEW	Dismissal as a discovery or case-management sanction is evaluated under the five Ehrenhaus factors: actual prejudice to the defendant, interference with the judicial process, culpability of the litigant, advance warning that dismissal was a likely sanction, and the efficacy of lesser sanctions.
PRECEDENTIAL VALUE	unknown
PARTIES	Thomas T. Davis v. Dura-Line LLC

TOPICS

discovery dispute

sanctions

civil procedure

employment discrimination

retaliation

PRACTICE AREAS

civil procedure

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QUESTIONS PRESENTED

1. Whether Plaintiff's failure to comply with the court's order requiring complete discovery responses within ten days of refiling warranted dismissal with prejudice under Federal Rule of Civil Procedure 37(b).
2. Whether Plaintiff's failure to comply with the court's order and discovery obligations warranted dismissal with prejudice under Federal Rule of Civil Procedure 41(b).
3. Whether the five Ehrenhaus factors supported dismissal with prejudice rather than a lesser sanction.

HOLDINGS

1. The magistrate judge concluded that dismissal with prejudice was warranted because Plaintiff failed to comply with the explicit discovery conditions imposed by the prior dismissal order.
2. The magistrate judge found Plaintiff solely culpable for failing to provide the required discovery responses and characterized the noncompliance as willful.

KEY QUOTATIONS

“(1) the degree of actual prejudice to the defendant; (2) the amount of interference with the judicial process; (3) the culpability of the litigant; 4) whether the court warned the party in advance that dismissal of the action would be a likely sanction for noncompliance, and (5) the efficacy of lesser sanctions.” (Analysis § II)

“A willful failure is “any intentional failure as distinguished from involuntary noncompliance. No wrongful intent need be shown.”” (Analysis § II.C)

“Based on the foregoing analysis, the record establishes that Plaintiff failed to comply with the explicit conditions imposed by the Court upon refiling, including the requirement to provide complete, objection-free discovery responses within ten days, and instead submitted late and deficient materials that merely replicated prior inadequate responses.” (Conclusion)

FACTUAL BACKGROUND

Davis brought Title VII and § 1981 race-discrimination and retaliation claims against Dura-Line. In the first action, he failed to meaningfully participate in discovery, resulting in dismissal without prejudice subject to an order requiring complete, objection-free discovery responses within ten days of any refiling. After refiling, Davis provided responses five days late, and the magistrate judge found them deficient and largely duplicative of the prior inadequate responses. The court also noted prior monetary sanctions against Plaintiff's counsel and concluded that lesser sanctions would not secure compliance.

PROCEDURAL HISTORY

Plaintiff initially filed claims for race discrimination and retaliation under Title VII and 42 U.S.C. § 1981 in 2022. After Plaintiff failed to comply with discovery obligations, the first action was dismissed without prejudice subject to conditions requiring specified discovery responses within ten days of refiling and warning that noncompliance could result in conversion to dismissal with prejudice. Plaintiff refiled on November 4, 2024, but did not provide discovery responses until November 19, 2024, and the responses were found deficient. Defendant moved to dismiss, and the magistrate judge recommended dismissal with prejudice under the Ehrenhaus factors.

DISPOSITION

other

CASES CITED

- Ehrenhaus v. Reynolds, 965 F.2d 916, 918, 921 (10th Cir. 1992)
- AdvantEdge Bus. Grp. v. Thomas E. Mestmaker & Assocs., Inc., 552 F.3d 1233, 1236 (10th Cir. 2009)
- Gripe v. City of Enid, Oklahoma, 312 F.3d 1184, 1187 (10th Cir. 2002)
- Mobley v. McCormick, 40 F.3d 337, 341 (10th Cir. 1994)
- M.E.N. Co. v. Control Fluidics, Inc., 834 F.2d 869, 872-73 (10th Cir. 1987)
- Smith v. City and County of Denver, No. 07-cv-00154-WDM-BNB, 2009 WL 485163, at *3 (D. Colo. 2009)
- Gross v. General Motors LLC, 441 F. App'x 562, 565 (10th Cir. 2011)
- Anderberg v. Sitewise Corp., No. 15-cv-00501-CBS, 2016 WL 1090021, at *3 (D. Colo. Mar. 21, 2016)