

United States Court of Appeals
For the Eighth Circuit

No. 22-1638

James Edward Bachman; Adella A. Bachman; Eric J. Bachman; Rachel A.
Bachman; Matthew R. Bachman; C. Andrew Bachman

Plaintiffs - Appellants

v.

John Q. Bachman; Leaf Supreme Products, LLC, A Nebraska Limited Liability
Co.

Defendants - Appellees

Appeal from United States District Court
for the District of Nebraska - Omaha

Submitted: May 9, 2023
Filed: June 30, 2023
[Unpublished]

Before SHEPHERD, STRAS, and KOBES, Circuit Judges.

PER CURIAM.

After a wage dispute, John Bachman was sued by several members of his brother's family (the Bachman family) who worked for him. The district court¹ dismissed the case as a sanction under Fed. R. Civ. P. 41(b) for misconduct, and we affirm.

After careful review, we conclude that the district court did not abuse its discretion. See Siems v. City of Minneapolis, 560 F.3d 824, 826 (8th Cir. 2009) (standard of review). The Bachman family repeatedly filed premature and meritless motions, misstated the record, placed ex parte phone calls to the court about discovery disputes, made improper and overbroad privilege objections during depositions, told a subpoenaed witness not to attend his deposition, and failed to timely reschedule a deposition. The Bachman family's misconduct continued despite frequent warnings and multiple sanctions. See Hairston v. Alert Safety Light Prods., Inc., 307 F.3d 717, 719 (8th Cir. 2002) (explaining that the sanction of dismissal is appropriate when the failure to comply was due to "willfulness, bad faith, or any fault of petitioner" (citation omitted)). The case was properly dismissed.

The Bachman family also asks us to review other district court rulings on appeal. Even if we accepted this invitation, there isn't any merit to the Bachman family's claims. We deny the motions to supplement the record, to strike, and for sanctions. The judgment is affirmed.

¹The Honorable Brian C. Buescher, United States District Judge for the District of Nebraska, adopting the report and recommendation of the Honorable Cheryl R. Zwart, United States Magistrate Judge for the District of Nebraska.