

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

THERESA DELMORE	*	CIVIL ACTION
VERSUS	*	NO: 08-2132
AEGIS SECURITY INSURANCE COMPANY	*	SECTION: "D"(4)

ORDER AND REASONS

Before the court is the "**Rule 41(b) Motion to Dismiss**" (Doc. No. 24) filed by Defendant, Aegis Security Insurance Company. **No memorandum in opposition was filed.** The motion, set for hearing on Wednesday, July 1, 2009, is before the court on Defendant's brief, without oral argument.

Now, having considered the memorandum of Defendant's counsel, the record, and the applicable law, the court finds that Plaintiff has persistently failed to comply with this court's orders or otherwise prosecute this matter. Plaintiff failed to timely make initial disclosures as required by Federal Rule of Civil Procedure 26(a)(1), as well as by the court's Scheduling Order (Doc. No. 19). Further, Plaintiff failed to comply with the Magistrate Judge's Order granting Defendant's unopposed Motion to Compel Initial

Disclosures, Answers to Interrogatories and Requests for Production. (See Magistrate Judge's Order, Doc. No. 17, entered on April 30, 2009, ordering Plaintiff to provide her initial disclosures and discovery responses within eleven days of the Order). The Magistrate Judge also awarded Defendant attorney's fees and costs incurred in filing its Motion to Compel. (*Id.*).

The court concludes that the record reflects a clear record of delay by the Plaintiff and a Rule 41(b) dismissal of this matter is warranted. Accordingly;

IT IS ORDERED that Defendant's "**Rule 41(b) Motion to Dismiss**" (**Doc. No. 24**) be and is hereby **GRANTED**, dismissing this matter with prejudice.

New Orleans, Louisiana, this **1st** day of **July**, **2009**.



A.J. McNAMARA
UNITED STATES DISTRICT JUDGE