

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MACK HALE and MARILYN HALE,

Plaintiffs,

vs.

**UNITED STATES OF AMERICA and
VETERANS ADMINISTRATION,**

Defendants.

Case No. 14-cv-166-DRH

Order

Now before the Court is Defendants' August 11, 2014 motion for summary judgment (Doc. 15) and motion for judgment on the pleadings (Doc. 16). Specifically, defendants move for summary judgment of Count II of the complaint (Doc 2) pursuant to Fed. R. Civ. P. 56. In a separate motion pursuant to Fed. R. Civ. P. 12(c), defendants move for dismissal of the complaint against defendant Veterans Administration under the Federal Tort Claims Act.

As of today's date, plaintiffs have not responded to the motion for summary judgment or the motion for judgment on the pleadings. Pursuant to Local Rule 7.1(c), the Court considers the failure to respond as an admission of the merits of the motion for summary judgment and judgment on the pleadings.¹ Accordingly, the Court **GRANTS** the motion for summary judgment. The Court enters judgment in favor of the government and against

¹Local Rule 7.1(c) provides in part: "Failure to timely file a response to a motion may, in the Court's discretion, be considered an admission of the merits of the motion."

plaintiffs on Count II of the complaint. The Court also **GRANTS** the motion for judgment on the pleadings. The Court **DISMISSES with prejudice** Veterans Administration as a defendant. Further, the Court **DIRECTS** the Clerk of the Court to enter judgment reflecting the same at the close of the case.

IT IS SO ORDERED.

Signed this 18th day of September, 2014.

 Digitally signed
by David R.
Herndon



**Chief Judge
United States District Court**