

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

KENDRICK THOMAS

CIVIL ACTION

VERSUS

NO. 09-3007

DENET TOWING SERVICE, INC.

SECTION "N" (1)

ORDER AND REASONS

Local Rule 7.5E of the Eastern District of Louisiana requires that a memorandum in opposition to a motion be filed and that a copy be delivered to chambers eight days prior to the date set for hearing of the motion. No memorandum in opposition to the Motion to Dismiss (Rec. Doc. 20), set for hearing on January 13, 2010, was filed. Further, it appears to the Court that this motion has merit. Accordingly,

IT IS ORDERED that **the Motion to Dismiss (Rec. Doc. 20)** should be and is hereby **GRANTED**. Thus, Plaintiff's Complaint against Defendant is hereby dismissed with prejudice, each party to pay its own costs.

A motion for reconsideration of this Order, if any, must be filed within ten days of the date this Order is entered by the

Clerk of Court. The motion must be accompanied by opposition memorandum to the original motion. Because a motion for reconsideration would not have been necessary had a timely opposition memorandum been filed, the costs incurred in connection with the motion, including attorneys' fees, will be assessed against the party moving for reconsideration. See FED. R. CIV. P. 16, 83. A statement of costs conforming to Local Rule 54.3 shall be submitted by all parties desiring to be awarded costs and attorneys' fees no later than eight days prior to the hearing of the motion for reconsideration.

New Orleans, Louisiana, this 14th day of January 2010.



KURT D. ENGELHARDT
United States District Judge