

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

OLIVER NOEL

CIVIL ACTION

VERSUS

NO: 09-5634

DIRECT GENERAL INSURANCE
COMPANY

SECTION: "J"(2)

ORDER


On October 14, 2009, this Court ordered Plaintiff to file any response or memorandum in opposition to Defendant Direct General Insurance Company's **Motion to Dismiss for Failure to State a Claim (Rec. Doc. 7)** by October 24, 2009. Plaintiff failed to meet this requirement. Accordingly, this motion is deemed to be unopposed, and, further, it appearing to the Court that the motion has merit,

IT IS ORDERED that Defendant Direct General Insurance Company's **Motion to Dismiss for Failure to State a Claim (Rec. Doc. 7)** is **GRANTED** and that all claims against Defendant Direct General Insurance Company are dismissed with prejudice at Plaintiffs' costs.

A motion for reconsideration of this order based on the appropriate Federal Rule of Civil Procedure, if any, must be filed within thirty days. The motion must be accompanied by an opposition memorandum to the original motion. Because such a motion would not have been necessary had a timely opposition memorandum been filed, the costs incurred in connection with the

motion, including attorney's fees, may be assessed against the party moving for reconsideration. See Fed. R. Civ. P. 16.

New Orleans, Louisiana, this 26th day of October, 2009.



CARL J. BARBIER
UNITED STATES DISTRICT JUDGE