

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

CORE 4 KEBAWK, LLC

CIVIL ACTION

VERSUS

NO. 10-2792

RALPH'S CONCRETE PUMPING, INC. et al.

SECTION: "G"(2)

AMENDED ORDER AND REASONS¹

Before the Court is Defendant/cross-plaintiff/third-party plaintiff Farrow Construction Specialities, Inc.'s ("Farrow") Motion for Summary Judgment,² wherein it requests that this Court enter judgment against Cross-Defendants Larry Howell, Kebawk Group, LLC, and Core 4 Kebawk LLC (collectively, "Cross-Defendants"), entitling Farrow May 22, 2013 to \$1,766,538 from Cross-Defendants. The pending motion was filed on April 16, 2013, and set for submission on May 8, 2013.³ To date, Cross-Defendants have not filed an opposition to the pending motion.⁴ Accordingly, no material facts are claimed to be in dispute and because the Court finds that the pending motion

¹ The Court issues this Amended Order and Reasons to correct the caption. No substantive change to the order has been made from the original Order and Reasons (Rec. Doc. 261).

² Rec. Doc. 254.

³ When Farrow initially filed the pending motion, it was not accepted because Farrow exceeded the page limitation set by the Court without first requesting leave of court. *See* Rec. Doc. 248. Farrow subsequently received leave of court to exceed the page limit, and the motion was accepted. *See* Rec. Doc. Nos. 251, 253, 254.

⁴ Local Rule 7.5 requires that:

Each party opposing a motion must file and serve a memorandum in opposition to the motion with citations of authorities no later than eight days before the noticed submission date. If the opposition requires consideration of facts not in the record, counsel must also file and serve all evidence submitted in opposition to the motion with the memorandum.

On several other occasions the Court has addressed Cross-Defendants' recent and complete failure to participate in this matter, creating delay and confusion among the parties. *See* Rec. Doc. 138 (Judge Fallon dismissing Core 4's claims for failure to appear and inform the Court that it had retained new counsel); Rec. Doc. Nos. 206, 207 (minute entry and order explaining that the Court would continue the trial based on various parties' failure to participate – including Cross-Defendants); Rec. Doc. Nos. 259, 260 (orders granting parties' motions to dismiss Larry Howell's claims pursuant to Federal Rule of Civil Procedure 41(b) for his failure to prosecute his claims).

has merit, for the reasons cited in Farrow's memorandum in support of the motion for summary judgment,⁵

IT IS HEREBY ORDERED that Farrow's Motion for Summary Judgment is **GRANTED**, and judgment be issued in favor of Farrow and against Cross-Defendants in the amount of \$1,766,538.

NEW ORLEANS, LOUISIANA, this 23rd day of May, 2013.

Nannette Jolivette Brown
NANNETTE JOLIVETTE BROWN
UNITED STATES DISTRICT JUDGE

⁵ Rec. Doc. 254-1