

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

SEAN C. COOPER

CIVIL ACTION

VERSUS

NO. 12-2934

GEORGE BOLTON,  
WESTEND CAPITAL MANAGEMENT, LLC,  
CHRISTEN HARDY and CONSTELLATION  
INVESTMENT CONSULTING CORPORATION

SECTION "N" (3)

**ORDER AND REASONS**

Presently before the Court is a “Motion to Dismiss with Prejudice Amended Complaint as to Defendant Constellation Investment Consulting Corporation” (Rec. Doc. 66). Having considered the parties’ submissions, **IT IS ORDERED** that the motion is **GRANTED**. Accordingly, **IT IS FURTHER ORDERED** that the claims filed by Plaintiff, Sean C. Cooper, against Constellation Investment Consulting Corporation are **DISMISSED WITH PREJUDICE**. Although Plaintiff asks that his claims against Constellation merely be dismissed *without* prejudice, it has been almost four months since the Court previously dismissed Plaintiff’s claims without prejudice to his right to file an amending and superseding complaint. See August 26, 2013 Order and Reasons (Rec. Doc. 59). During that time period, Plaintiff has not sought to file the necessary amendment. Given that, the Court declines to again order dismissal without prejudice.

New Orleans, Louisiana, this 20th day of December 2013.

  
KURT D. ENGELHART  
United States District Judge