

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

ADINE PIEDISCALZO

CIVIL ACTION

VERSUS

NO. 13-29

WENDY'S INTERNATIONAL, INC.

SECTION "N" (4)

**ORDER AND REASONS**

Local Rule 7.5 of the Eastern District of Louisiana requires that a memorandum in opposition to a motion be filed eight days prior to the noticed submission date. No memorandum in opposition to the following motion, noticed for submission on February 20, 2013, was filed:

**“Motion to Dismiss for Insufficient Service of Process” (Rec. Doc. 7).**

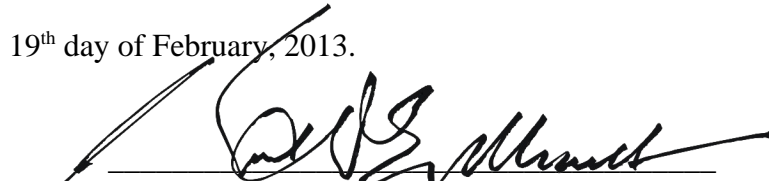
Further, the Court finds that the motion has merit. Accordingly,

**IT IS ORDERED** that the above motion is hereby **GRANTED**, and the claims against Jeannine Prine are hereby **DISMISSED WITHOUT PREJUDICE**.

A motion for reconsideration of this Order, if any, must be filed within twenty-eight 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 on the motion for reconsideration.

New Orleans, Louisiana, this 19<sup>th</sup> day of February, 2013.



**KURT D. ENGELHARDT**  
**UNITED STATES DISTRICT JUDGE**