

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

TONY CHAUVIN

CIVIL ACTION

VERSUS

NO. 13-5781

NATIONAL GYPSUM SERVICE  
STATE OF LOUISIANA, ET AL

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 May 28, 2014, was filed:

**"Defendant's Rule 12(b)(6) Motion to Dismiss or, in the Alternative, Motion for Summary Judgment" (Rec. Doc. 27).**

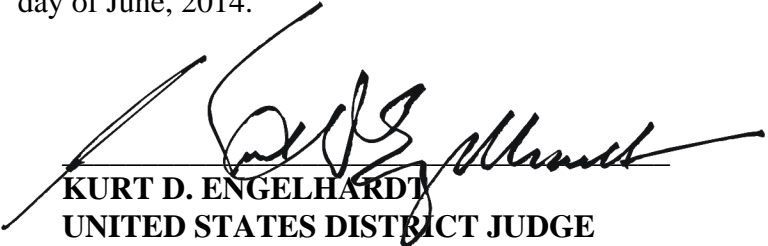
Further, the Court finds that the motion has merit. Accordingly;

**IT IS ORDERED** that Defendant's Rule 12(b)(6) Motion to Dismiss or, in the Alternative, Motion for Summary Judgment (**Rec. Doc. 27**) is hereby **GRANTED**, and the plaintiff's claims are hereby **DISMISSED**.

A motion for reconsideration of this Order, if any, must be filed within ten (10) 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 13<sup>th</sup> day of June, 2014.



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