

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

**MARILYN SHOEMAKER, CURATOR FOR
ALBERT P. SHOEMAKER**

CIVIL ACTION

VERSUS

CASE NO. 14-163

ESTIS WELL SERVICE, LLC

SECTION: "G" (4)

ORDER

Before the Court are Plaintiff's "Motion to Strike Defendant's Untimely Opposition to Motion for Declaratory Judgment"¹ and Defendant's "Motion for Leave of Court to File Memorandum in Opposition to Motion for Declaratory Judgment."²

Both motions address Defendant's "Memorandum in Opposition to [Plaintiff's] Motion for Declaratory Judgment."³ Plaintiff's "Motion for Declaratory Judgment"⁴ was set for submission on March 12, 2014. Defendant filed its "Memorandum in Opposition to Motion for Declaratory Judgment" on March 6, 2014.⁵ Plaintiff argues that the Court should strike Defendant's opposition because Defendant filed that opposition six days before the submission date, rather than eight days before the submission date, as required by Local Rule 7.5.⁶ Defendant responds that "there is discretion on the part of the Court in its application[]" of the Local Rules, alleges that it encountered

¹ Rec. Doc. 14

² Rec. Doc. 18. Defendant also filed a "Memorandum in Opposition to Motion to Strike." *See* Rec. Doc. 15.

³ Rec. Doc. 11.

⁴ Rec. Doc. 8.

⁵ Rec. Doc. 11.

⁶ Rec. Doc. 14-1.


delays in obtaining the documents necessary to timely file an opposition, and argues that its late filing “will not prejudice any party.”⁷

Local Rule 7.5 provides that “[e]ach party opposing a motion must file and serve a memorandum in opposition to the motion . . . no later than eight days before the submission date.” Nonetheless, this Court has “broad discretion in interpreting and applying [its] . . . own local rules adopted to promote efficiency in the court.”⁸ Here, Defendant’s late filing did not prejudice the parties, and the Court has an interest in resolving Plaintiff’s “Motion for Declaratory Judgment” after it has been fully briefed. Accordingly,

IT IS HEREBY ORDERED that Plaintiff’s “Motion to Strike Defendant’s Untimely Opposition to Motion for Summary Judgment”⁹ is **DENIED**;

IT IS FURTHER ORDERED that Defendant’s “Motion for Leave of Court to File Memorandum in Opposition to Motion for Declaratory Judgment”¹⁰ is **GRANTED**.

NEW ORLEANS, LOUISIANA, this 12th day of August, 2014.


NANNETTE JOLIVETTE BROWN
UNITED STATES DISTRICT JUDGE

⁷ Rec. Doc. 15.

⁸ *Matter of Thalheim*, 853 F.2d 383, 391 (5th Cir. 1988).

⁹ Rec. Doc. 14.

¹⁰ Rec. Doc. 18.