

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JAMES T. CASSIDY AND FAITH H.
CASSIDY, individually and as
representatives of others similarly
situated

CIVIL ACTION

NO. 15-2483

SECTION "N" (4)

VERSUS

FORD MOTOR COMPANY

ORDER & REASONS

Before the Court is Defendant Ford Motor Company's "Motion to Dismiss or Strike Plaintiffs' Class Action Allegations" (Rec. Doc. 31) and Plaintiffs James T. Cassidy and Faith H. Cassidy's "Motion to Certify Class" (Rec. Doc. 51). Now, having reviewed the parties' submissions and the applicable law, the Court rules as stated herein.

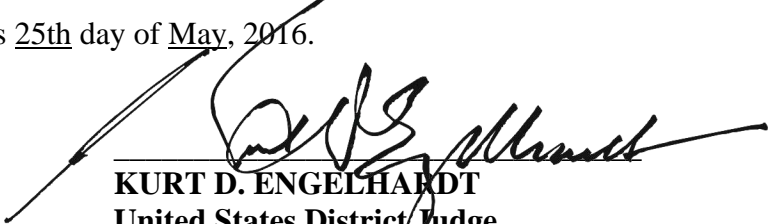
Local Civil Rule 23 is clear – a plaintiff must move for class certification 91 days after the filing of a complaint in a class action, unless the period is extended upon motion for good cause and order of the court. LR 23.1(B). To comply with this rule, a plaintiff may not rely on class allegations contained in a complaint, but must, instead, file a motion for class certification. *See Escoe v. State Farm Fire & Cas. Co.*, No. 07-1123, 2007 WL 2903048, at *2 (E.D.La. Sept. 27, 2007). As has been routinely held by the courts in this district, the penalty for failing to satisfy Local Civil Rule 23.1(B), without moving for an extension of time, is the dismissal of class allegations. *See, e.g., id.* at *3; *McGuire v. Gulf Stream Coach, Inc.*, No. 06-5659, 2007 WL 1198935, at *1 (E.D. La. Apr. 20, 2007) (and cases cited therein). In this case, Plaintiffs filed their Class Action

Complaint on July 7, 2015. In the ensuing 91 days, Plaintiffs neither moved for class certification nor requested additional time from the Court. As a result, the time for moving for class certification under Fed.R.Civ.P. 23(c)(1) expired on October 6, 2015. On the showing made, Plaintiffs have not demonstrated good cause to excuse their untimeliness. Accordingly;

IT IS ORDERED that Ford Motor Company's "Motion to Dismiss or Strike Plaintiffs' Class Action Allegations" (Rec. Doc. 31) is **GRANTED** and that the class allegations are hereby struck from the complaint.

IT IS FURTHER ORDERED that Plaintiffs' "Motion to Certify Class" (Rec. Doc. 51), which was filed on May 20, 2016, more than seven months after the deadline, is **DENIED** as untimely.

New Orleans, Louisiana, this 25th day of May, 2016.



KURT D. ENGELHARDT
United States District Judge