

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

JARVIS BURDS

CIVIL ACTION

VERSUS

NO. 15-5052

JOHNSON & JOHNSON SERVICES, INC.

SECTION "N" (4)

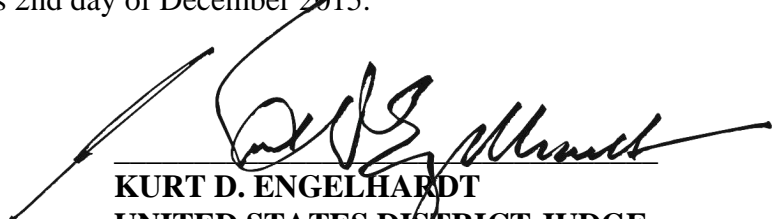
**ORDER AND REASONS**

Presently before the Court is Defendant's "Rule 12(b)(6) Motion to Dismiss Claims Not Recognized by the Louisiana Products Liability Act" (Rec. Doc. 9). Local Rule 7.5 of the Eastern District of Louisiana requires that a memorandum in opposition to a contested motion be filed eight days prior to the date the motion is to be taken under submission. No memorandum in opposition to Defendant's motion, which was set to be taken under submission on November 25, 2015 has been filed to date. Accordingly, given that the motion has not been opposed, **IT IS ORDERED** that the motion (Rec. Doc. 9) is hereby **GRANTED** to the extent that Plaintiff's claims for negligence pursuant to Article 2315 of the Louisiana Civil Code, as alleged in paragraphs 17 and 18 of his Petition, is **DISMISSED WITH PREJUDICE**.

Any motion for reconsideration of the Court's rulings set forth herein must be filed within fourteen (14) days of the date that this Order is entered by the Clerk of Court and must be accompanied by an opposition memorandum to Defendant's original motion to dismiss. Additionally, because a motion for reconsideration would not have been necessary had a timely opposition memorandum been filed, all costs incurred in connection with the Defendant's 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 submission date of any motion for reconsideration that is filed.

New Orleans, Louisiana, this 2nd day of December 2015.



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