

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

SHELBY LAUDERDALE, ET AL.

CIVIL ACTION

v.

NO. 17-4152

JOSE CABALLERO, ET AL.

SECTION "F"

ORDER AND REASONS

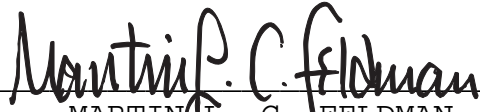
Local Rule 7.5 of the Eastern District of Louisiana requires that memoranda in opposition to a motion be filed eight days prior to the noticed submission date. No memoranda in opposition to Westfield Insurance Company's motion for contempt has been submitted.

Accordingly, because the motion is unopposed, and further, it appearing to the Court that the motion has merit,¹ IT IS ORDERED:

¹ This Court exercised its power to enforce the parties' settlement agreement. See Order and Reasons dtd. 9/11/18 (granting Westfield's motion to enforce settlement and ordering that the plaintiffs must, within five days of the order, file a motion to dismiss the state court action in accordance with the parties' settlement agreement). Although the plaintiffs complied with the portion of this Court's order requiring that Derrick Drawsand provide an executed release agreement to Westfield, the plaintiffs have failed to move to dismiss with prejudice their lawsuit pending in state court. According to Westfield, the state court lawsuit remains pending notwithstanding the plaintiffs' agreement to dismiss the lawsuit with prejudice and this Court's order mandating enforcement of that term of the parties' settlement agreement.

that Westfield Insurance Company's motion for contempt is hereby GRANTED as unopposed. This Court's September 11, 2018 order required that the plaintiffs file a motion to dismiss their state court action with prejudice within five days; the plaintiffs failed to comply.² Westfield has demonstrated entitlement to sanctions in the form of an award for costs and attorney's fees incurred in bringing its motion for sanctions and motion to enforce the settlement agreement. See Towne v. Gee Const., LLC, No. 11-1884, 2014 WL 4981442, at *2 (E.D. La. 2014) IT IS FURTHER ORDERED: that, within seven days, Westfield shall submit a proposed judgment incorporating the amount of attorney's fees incurred in preparing the motion to enforce settlement and motion for contempt, along with billing records substantiating reasonable attorney's fees.

New Orleans, Louisiana, October 9, 2018


MARTIN L. C. FELDMAN
UNITED STATES DISTRICT JUDGE

² The Court expressly admonished the plaintiffs regarding the consequences of noncompliance:

Failure to do so may result in sanctions including attorney's fees incurred by Westfield in filing its motion to enforce settlement and any other motions necessitated by the plaintiffs' non-compliance.