

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JAMAL THOMAS

CIVIL ACTION

VERSUS

NO. 17-6097

ABC INSURANCE COMPANY, ET. AL.

SECTION "B"(3)

ORDER

Before the Court is Defendant Rain CII Carbon's ("Defendant Rain") "Motion to Strike Plaintiff's Second Supplemental and Amended Petition" (Rec. Doc. 29), Defendant Rain's Motion for Leave to File Reply (Rec. Doc. 34), and Third-Party Defendant AOA Services, Inc.'s "Ex Parte Motion to Join and Adopt Motion to Strike" (Rec. Doc. 31). Accordingly,

IT IS ORDERED that Third-Party Defendant AOA Services' motion for joinder (Rec. Doc. 31) is **GRANTED**.

IT IS FURTHER ORDERED that Defendant Rain's Motion for Leave to File Reply (Rec. Doc. 34) is **DISMISSED as moot**.

IT IS FURTHER ORDERED that Defendant Rain's Motion to Strike is **GRANTED**. Plaintiff Jamal Thomas ("Plaintiff") submitted his Second Supplemental and Amending Complaint to this Court as an **unopposed** *Ex Parte* motion. Rec. Doc. 25. However, Defendant Rain's Motion to Strike, as well as Defendant AOA Services' Motion for Joinder, provides that Plaintiff failed to receive consent for his amended pleadings from at least two Defendants in this case. See Local Rules 7.2 and 7.3; see also *Matter of Teon Maria, LLC*, No.

CV 12-1315, 2013 WL 12231273, at *3 (E.D. La. June 10, 2013) (“The instant motion does not contain a proposed order. Therefore, if construed as an *ex parte* submission, it would be in contravention of the Rule. As such, it is more appropriate to consider this motion as a ‘contested’ motion under L.R. 7.4”).

Further, Federal Rule of Civil Procedure 16(b)(4), provides that “[a] schedule may be modified **only** for good cause and with the judge's consent.” Fed. R. Civ. P. 16 (emphasis added). The scheduling order (Rec. Doc. 17) **set a November 17, 2017 deadline** for parties to file amendments to pleadings, third-party actions, cross-claims, and counter-claims. Plaintiff has not provided any reasons why this Court should modify the Scheduling Order. Accordingly, Plaintiff’s Second Supplemental Amended Pleadings are hereby **STRICKEN** from the record in the above-captioned matter.

New Orleans, Louisiana, this 28th day of February, 2018.


SENIOR UNITED STATES DISTRICT JUDGE