

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FRANCIS GERALD MAPLES ET AL

CIVIL ACTION

VERSUS

NO. 19-10840

UNITED AIRLINES, INC.

SECTION "B"(4)

ORDERS & REASONS

Removing defendant United Airlines, Inc. has simultaneously filed a motion for judgment on the pleadings, and a motion to stay discovery. (Rec. Docs. 18-19)

Local Rule 7.5 of the Eastern District of Louisiana requires that memoranda in opposition with citations of authorities be filed **and** served no later than eight (8) days before the noticed submission date. No memoranda in opposition to subject motions, set for submission on **October 9, 2019**, have been submitted. Further, plaintiff has not filed a motion to continue the noticed submission date or filed a motion for extension of time within which to oppose the motions. Accordingly, the motions are deemed to be unopposed. The motion for judgment on the pleadings has merit. The motion to stay discovery is unnecessary since there is no showing of any requests for discovery and it is otherwise moot in view of the following:

IT IS ORDERED that the motion for judgment on the pleadings is **GRANTED**, dismissing plaintiff's claims on federal preemption grounds. See *El Al Israel Airlines v. Tseng*, 525 U. S.

155, 174-76, 119 S. Ct. 662 (1999); *Onwuteaka v. Northwest Airlines, Inc.*, 2007 WL 1406419 at *1 (S.D. Tex. May 10, 2007); and

IT IS FURTHER ORDERED that the motion to stay discovery is dismissed as unnecessary and moot.

A motion for reconsideration of this Order based on the appropriate Federal Rule of Civil Procedure, if any, must be filed within thirty (30) days of this Order. The motion must be accompanied by opposition memoranda to the original motions.

Because such a motion would not have been necessary had timely opposition memoranda been filed, the costs incurred in connection with the motion, including attorney's fees, may 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 should be submitted by all parties desiring to be awarded costs and attorney's fees no later than eight (8) days prior to the noticed submission date of the motion for reconsideration.

New Orleans, Louisiana this 22th day of October, 2019



SENIOR UNITED STATES DISTRICT JUDGE