

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

TERRY CATHERINE, JR.

CIVIL ACTION

VERSUS

NO. 19-13221

RAZZOO'S BAR AND PATIO

SECTION "B" (5)

ORDERS & REASONS

Defendant Razzoo's Bar and Patio has filed a motion to dismiss plaintiff Terry Catherine, Jr.'s complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) (Rec. Doc. 4), to which plaintiff has yet to file a response.

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 the subject motion, set for submission on **January 8, 2020**, has been submitted. Further, plaintiffs have not filed a motion to continue the noticed submission date or filed a motion for extension of time within which to oppose the motion. Accordingly, the motion is deemed to be unopposed. Defendant's motion to dismiss has merit. Therefore,

IT IS ORDERED that defendants' motion to dismiss is **GRANTED**. Plaintiff Terry Catherine Jr.'s claims against defendant Razzoo's Bar and Patio are hereby **DISMISSED**;

IT IS FURTHER ORDERED that any 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 7th day of May, 2020.

A handwritten signature in black ink, appearing to read "Louis L. Levee", written over a horizontal line.

SENIOR UNITED STATES DISTRICT JUDGE