

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

CIVIC CENTER SITE DEVELOPMENT, LLC,
D/B/A HOLIDAY INN DOWNTOWN SUPERDOME

CIVIL ACTION

VERSUS

NO. 23-1071

CERTAIN UNDERWRITERS AT LLOYD'S LONDON
(CONSORTIUM #9226), ET AL.

SECTION "B" (2)

ORDER & REASONS

Considering plaintiff Civic Center Site Development, LLC, d/b/a Holiday Inn Downtown Superdome's motion for leave to file reply (Rec. Doc. 20),

On April 20, 2023, plaintiff filed a motion for partial summary judgment to confirm arbitration award. Rec. Doc. 10. On May 10, 2023, the defendants filed a motion for extension of time to file responsive pleadings. Rec. Doc. 11. Plaintiff then filed a partial opposition to the defendants' motion for extension of time to file responsive pleadings, arguing they never provided defendants consent to continue the submission date as to the motion for summary judgment. Rec. Doc. 14 at 2. Acknowledging that argument, this Court nevertheless granted defendants an extension of no later than Wednesday, May 31, 2023 at 5:00 P.M. Rec. Doc. 16. We further explained Fifth Circuit authority generally holds that it may be an abuse of discretion if the district court fails

to permit at least two extensions for responsive filings. Rec. Doc. 16 at 2-3.¹

There are several issues that must be addressed. First, defendants failed to timely comply with the Court's Order and submitted their oppositional response one-day late, on June 1, 2023, after they already received an extension. Rec. Doc. 19. "When litigating in federal district court, it is often advisable to read the court's orders." *Scott v. MEI, Inc.*, No. 21-10680, 2022 WL 1055576, at *1 (5th Cir. Apr. 8, 2022). Second, and curiously, defendants provide no explanation for their delay and failure to timely comply with the Court's order. Rec. Doc. 19 (deficient). Finally, to make matters worse, defendants' late submission was also deficient because they failed to include a statement of material facts.² To date, because of the deficiency, plaintiff's

¹ See *Adams v. Travelers Indem. Co. of Connecticut*, 465 F.3d 156, 161-62 (5th Cir. 2006) (finding the district court did not abuse its discretion by refusing to apply an untimely response because after two extensions, the nonmovant "had ample time to comply with the extended deadline"); see also *Rasco v. Potter*, 265 Fed.Appx. 279, 283 (5th Cir. 2008) (per curiam) (no abuse of discretion in denying a motion to allow an untimely opposition to summary judgment where the court had granted three prior extensions of time); *Vasudevan v. Administrators of Tulane Educ. Fund*, 706 F. App'x 147, 151 (5th Cir. 2017) (no abuse of discretion because the district court granted prior extensions for a response to the motion for summary judgment).

² The Clerk of Court provided a notice of deficiency: "re 19 Response/Memorandum in Opposition to Motion. Reason(s) of deficiency: Statement of material facts not provided. For corrective information, see section(s) D11 on <http://www.laed.uscourts.gov/cmecf/Deficiency/deficiency.htm>

motion is currently being treated as unopposed. Collectively, and without deciding the merits of the pending motion for summary judgment (Rec. Doc. 10), counsel for defendants' behavior is arguably careless and of serious concern to the Court.

IT IS ORDERED that no later than Friday, June 9, 2023 at 5:00 P.M., counsel for defendants³ shall jointly show-cause in writing, not to exceed three (3) pages, the reason for the out-of-time filing, and further explain why counsel should not be sanctioned for their failure to timely comply with the Court's Order and Reasons. See Rec. Doc. 16.

IT IS FURTHER ORDERED that the motion for leave to file reply (Rec. Doc 20) is **DENIED as premature**. As clarified above and in the notice of deficiency, defendants' "Document must be refiled in its entirety within seven(7) calendar days; otherwise, it may be stricken by the court without further notice. Deficiency remedy due by 6/9/2023."

New Orleans, Louisiana this 2nd day of June, 2023


SENIOR UNITED STATES DISTRICT JUDGE

Attention: Document must be refiled in its entirety within seven(7) calendar days; otherwise, it may be stricken by the court without further notice. Deficiency remedy due by 6/9/2023. (pp) (Entered: 06/02/2023)."

³ Adrien R. Lorrain and Rebecca J. Mansell are listed as counsel for defendants.