

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

EMILY THOMAS

CIVIL ACTION

VERSUS

NO. 23-4209

**STATE FARM FIRE AND
CASUALTY COMPANY**

SECTION: "P" (1)

ORDER AND REASONS

Before the Court is a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted filed by defendant State Farm Fire and Casualty Company ("State Farm").¹ The motion was set for submission on March 6, 2024.² Local Rule 7.5 of the United States District Court for the Eastern District of Louisiana requires that a memorandum in opposition to a motion be filed no later than eight days before the noticed submission date, making the deadline in this instance February 27, 2024. Plaintiff Emily Thomas ("Thomas"), who is represented by counsel, did not file an opposition to the motion. Accordingly, because the motion is unopposed and appears to have merit,³

IT IS ORDERED that State Farm's motion to dismiss (R. Doc. 12) is **GRANTED**, and Thomas's claims against it are **DISMISSED WITH PREJUDICE**.

New Orleans, Louisiana, this 26th day of March 2024.



**DARREL JAMES PAPILLION
UNITED STATES DISTRICT JUDGE**

¹ R. Doc. 12.

² R. Doc. 12-4.

³ Thomas filed this case against State Farm alleging breach-of-contract and bad-faith causes of action related to the adjustment of her homeowners insurance claim for property damage caused by Hurricane Ida. R. Doc. 1. Dover Bay Specialty Insurance Company is listed on the policy as Thomas's homeowners insurance carrier. R. Doc. 12-2. Thus, because State Farm is not a party to the contract at issue, Thomas's claims against it must be dismissed.