

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

DANIELLE McFADDEN

CIVIL ACTION

VERSUS

NO. 23-4790

PROGRESSIVE CASUALTY
INSURANCE COMPANY

SECTION M (2)

ORDER & REASONS

Before the Court is a motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure filed by defendant Progressive Casualty Insurance Company (“Progressive Casualty”).¹ The motion is set for submission on November 16, 2023.² 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 November 8, 2023. Plaintiff Danielle McFadden, 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 Progressive Casualty’s motion to dismiss is GRANTED, and this matter is DISMISSED.

¹ R. Doc. 9.

² R. Doc. 9-4.

³ This case involves an insurance coverage dispute. McFadden filed this suit against Progressive Casualty seeking to recover on a property insurance policy for damages caused by Hurricane Ida. R. Doc. 1. Progressive Casualty filed the instant motion to dismiss arguing that it is the wrong defendant because a different insurance company, namely, Progressive Property Insurance Company, issued the relevant policy as is shown on the policy’s declarations page. R. Doc. 9-1 at 2 (citing R. Doc. 9-2). Accordingly, because Progressive Casualty did not issue the insurance policy at issue, its motion to dismiss is granted.

New Orleans, Louisiana, this 9th day of November, 2023.


BARRY W. ASHE
UNITED STATES DISTRICT JUDGE