

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

FILED
U.S. DIST COURT
MIDDLE DIST. OF LA

2009 FEB -3 A 10:34

CECIL HARRIS

VERSUS

AMERICA'S CHOICE, INC.

CIVIL ACTION


BY DEPUTY CLERK

NO. 07-195-JVP-SCR

ORDER

Considering the foregoing motion by defendant, America's Choice, Inc., to dismiss affirmative defenses and counterclaim (doc. 61), **IT IS HEREBY ORDERED** that the affirmative defenses and counterclaim pleaded by defendant in its answer are dismissed without prejudice to the claim of plaintiff, Cecil Harris, under LSA-R.S. 23:631, for attorney fees related to the counterclaim and affirmative defenses. **IT IS FURTHER ORDERED** that plaintiff's motion for summary judgment on affirmative defenses (doc. 55) and plaintiff's motion for summary judgment on the counterclaim (doc. 54) are dismissed as moot.

Baton Rouge, Louisiana, February 3, 2009.


JOHN V. PARKER
UNITED STATES DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA