

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

U.S. DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA
2008 JAN 21 11:25 AM

FILED
BY DEPUTY CLERK

CATHY MILLER

CIVIL ACTION

VERSUS

NO. 08-97-C

DEPUTY JOHN GAUDET, ET AL

RULING

Local rule 7.5M of the Middle District of Louisiana requires that memoranda in opposition to a motion be filed within twenty (20) days after service of the motion. The rule provides as follows:

LR7.5M Response and Memorandum

Each respondent opposing a motion shall file a response, including opposing affidavits, memorandum, and such supporting documents as are then available, within 20 days after service of the motion. Memoranda shall contain a concise statement of reasons in opposition to the motion, and a citation of authorities upon which the respondent relies. For good cause appearing therefor, a respondent may be required to file a response and supporting documents, including memoranda, within such shorter or longer period of time as the court may order, upon written ex parte motion served on all parties.

The motion in the present case was filed November 12, 2008 and the certificate of service verifies that a copy of the pleading was mailed electronically by the Clerk of Court to all parties who have registered to receive electronic notification and delivered either by facsimile, by hand delivery, or by placing same in the U.S. Mail, properly addressed and postage prepaid to all counsel of record and those represented in forma pauperis who are not registered to receive notice electronically on November 12, 2008. Even allowing for slow mail travel, more than twenty days have elapsed since the service of this motion, and no memorandum in opposition to the Motion for Summary

Judgment filed on behalf of defendants, Deputy John Gaudet, Sheriff Brent Allain, and the Iberville Parish Sheriff's Department has been submitted.


Accordingly, this motion is deemed to be unopposed, and further, after reviewing the record, the court finds that the motion has merit,

IT IS ORDERED that the Motion for Summary Judgment on behalf of defendants, Deputy John Gaudet, Sheriff Brent Allain, and the Iberville Parish Sheriff's Department is hereby GRANTED,

Any response to this ruling, based on the appropriate Federal Rule of Civil Procedure shall be filed within ten days and must be accompanied by an opposition memorandum to the original motion.

On review of the pleadings filed along with the opposition, the court, at its discretion, may assess costs, including attorney's fees, against the moving party, if the court deems that such a motion was unnecessary had a timely opposition memorandum been filed. See Fed. R. Civ. P. 16, 83. A statement of costs conforming to L.R. 54.3 shall be submitted by all parties desiring to be awarded costs and attorney's fees no later than eight (8) days prior to the hearing on the newly filed motion.

Baton Rouge, Louisiana, January 21, 2010.


RALPH E. TYSON, CHIEF JUDGE
MIDDLE DISTRICT OF LOUISIANA