

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

FILED  
U.S. DIST. COURT  
MIDDLE DISTRICT OF LA  
2009 APR 13 A 10:16

JAMES WESTERFIELD

VERSUS

BRAND SERVICES, INC.  
ABC INSURER

CIVIL ACTION

NO. 08-174-C

FILED  
BY DEPUTY CLERK

***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 January 21, 2009 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 January 21, 2009.

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 by defendant, Brand Energy Solutions, LLC 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 filed by Brand Energy Solutions, LLC 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 it's 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, April 7, 2009.

  
RALPH E. TYSON, CHIEF JUDGE  
MIDDLE DISTRICT OF LOUISIANA