

FILED  
U.S. DIST. COURT  
MIDDLE DISTRICT OF LOUISIANA  
MAY 18 2009  
BY DEPUTY CLERK  
UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

LOUISIANA VALVES & MACHINE  
WORKS, INC.

VERSUS

KINDER MORGAN ENERGY PARTNERS,  
L.P. D/B/A PLANTATION PIPELINE CO.

CIVIL ACTION

NO. 08-198-JVP-DLD

**RULING**

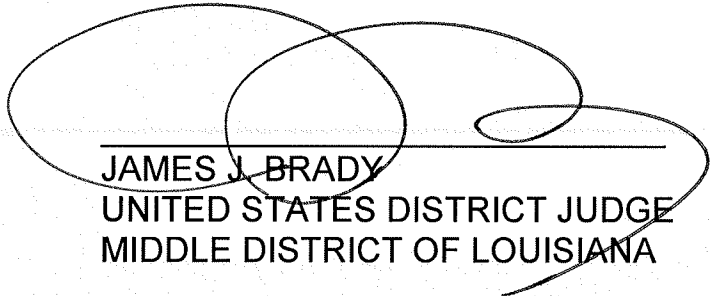
This matter is before the court on an unopposed motion by defendant, Plantation Pipeline Company, for new trial, reconsideration, and for leave to file affidavits (doc. 19). It follows the court's May 18, 2009 denial of defendant's motion for summary judgment based on lack of competent evidence.

Having considered the motion, the court hereby grants leave to substitute the properly executed affidavits of Judith Marsh and Gerald Gautraux and will reconsider its previous ruling on the motion for summary judgment. Because that motion was (and remains) unopposed, the submitted material facts are deemed admitted. Local Rule 56.2. Moreover, the court interprets plaintiff's failure to oppose as an acknowledgment of the correctness of the arguments made in defendant's memorandum.

Accordingly, the motion for new trial, reconsideration, and leave to file affidavits (doc. 19) is hereby **GRANTED**. The court's ruling dated May 18, 2009

(doc. 18) is hereby **VACATED** and set aside and defendant's original unopposed motion for summary judgment (doc. 17) is **GRANTED** for the reasons stated in the defendant's memorandum.

Baton Rouge, Louisiana, June 30<sup>th</sup>, 2009.



JAMES J. BRADY  
UNITED STATES DISTRICT JUDGE  
MIDDLE DISTRICT OF LOUISIANA