

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

CARGILL INCORPORATED  
VERSUS  
CLARK FARM 2, LLC

CIVIL ACTION  
NO. 08-460-FJP-SCR

**RULING**

This matter is before the Court on plaintiff Cargill Incorporated's motion to stay proceedings pending arbitration<sup>1</sup> which was filed on October 24, 2008. The defendant filed an opposition on December 17, 2008,<sup>2</sup> which is untimely under Local Rule 7.5M.<sup>3</sup> The defendant did not file a motion for leave of court to file its opposition until December 29, 2008, substantially late under the local rules of this Court. No reason was given for the defendant's failure to timely file an opposition or a motion for leave to file an opposition. In any event, based on the evidence submitted with plaintiff's motion and considering the tardy opposition filed by the defendant, the Court also finds that the

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<sup>1</sup>Rec. Doc. No. 8.

<sup>2</sup>Rec. Doc. No. 15.

<sup>3</sup> See Local Rule 7.5M, which requires "[e]ach respondent opposing a motion [to] file a response, including opposing affidavits, memorandum, and such supporting documents as are then available, within 20 days after service of the motion."

motion to stay pending arbitration should be granted as a matter of fact and law. The Court adopts as its opinion the decision rendered by Judge John V. Parker in *Cargill, Inc. V. Clark Farms #1, L.L.C.*, CV 08-456-JVP-CN (Middle District of Louisiana).<sup>4</sup>

Therefore:


IT IS ORDERED that plaintiff's motion to stay pending arbitration proceedings is hereby granted.

IT IS FURTHER ORDERED that this case shall be administratively closed pending the arbitration proceedings.

IT IS FURTHER ORDERED that the parties shall advise the Court of the findings of the arbitration proceedings within 10 days after the arbitrator's ruling and shall further advise the Court at the same time whether the case needs to be reopened for further proceedings.

IT IS SO ORDERED.

Baton Rouge, Louisiana, January 8, 2009.



FRANK J. POLOZOLA  
MIDDLE DISTRICT OF LOUISIANA

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<sup>4</sup>Rec. Doc. No. 14 in CV 08-456-JVP-CN.