

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

NAOMI SANDRES

CIVIL ACTION

VERSUS

NO. 09-652-BAJ-CN

LOUISIANA WORKFORCE  
COMMISSION, ET AL

**RULING**

This matter is before the Court on plaintiff's appeals of decisions of the Magistrate Judge. Specifically, plaintiff appeals the Magistrate Judge's Order of February 9, 2012, denying as moot plaintiff's Motion that Defendant [sic] Failure to Still Provide Discovery Facts Requested by Plaintiff Be Designated as Facts Stated by Plaintiff Established (doc. 83). Plaintiff also appeals the Court's "acceptance" of defendant's answer to the complaint and the Court's "notice of pretrial and trial dates" (doc. 84).

In reviewing the orders in question, the Court must determine whether they are clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A).

The Court notes that plaintiff's motion to declare facts alleged in the complaint as established was filed on December 7, 2011 (doc. 78). Before the deadline for opposition to the motion passed, defendant answered the complaint and provided the discovery sought by plaintiff (docs. 79 & 80, respectively). Thus, the Magistrate Judge correctly determined that the motion was moot and the Court concludes that the Magistrate Judge's Order of February 9, 2012, was neither erroneous nor contrary to law.

The Court also finds no merit in plaintiff's assertion that "acceptance" of defendant's answer was improper. The record demonstrates that no default judgment has been rendered and plaintiff has not stated any ground to strike the answer filed by defendant.<sup>1</sup> Likewise, the Court finds that plaintiff has failed to state any ground for appeal of the Magistrate Judge's Notice of February 10.

Having found that the appealed orders of the Magistrate Judge are neither clearly erroneous nor contrary to law, the orders of the Magistrate Judge (docs. 83 & 84) are hereby **AFFIRMED**.

Baton Rouge, Louisiana, February 29, 2012.



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BRIAN A. JACKSON  
UNITED STATES DISTRICT JUDGE  
MIDDLE DISTRICT OF LOUISIANA

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<sup>1</sup>The Court also notes the letter of November 15, 2011, in which a representative of defendant asserted that defendant was unsure "what was going on," in part due to the hand-written filings in this matter (doc. 76). After receipt of the letter, the Magistrate Judge ordered the Clerk of Court to forward a copy of the docket sheet and the complaint to defendant (doc. 77). The answer and the answers to interrogatories were filed into the record less than a month later.