

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MELINDA STOCKSTILL, INDIVIDUALLY
AND ON BEHALF OF HER MINOR
DAUGHTERS, MAIZE STOCKSTILL AND
EMILY STOCKSTILL

CIVIL ACTION
NUMBER 10-95-FJP-SCR

VERSUS

WAL-MART STORES, INC., ET AL

RULING

This matter is before the Court on the defendant UNARCO Industries' ("UNARCO") motion for partial dismissal which was filed on March 4, 2010.¹ UNARCO seeks partial dismissal of all the plaintiff's claims other than those specifically alleged under the Louisiana Products Liability Act (LPLA), including the claims of gross and flagrant recklessness, carelessness, negligence and fault as well as claims under La. Civ. Code Art. 2317. Because the plaintiff has failed to oppose this motion within 21 days as required by Local Rule 7.5M, the Court must assume that she has no opposition to this motion.²

Furthermore, based on the pleadings submitted, the Court finds that the motion for partial dismissal should be granted as a matter of fact and law. Therefore, the plaintiff's non-LPLA claims which include gross and flagrant recklessness, carelessness, negligence and

¹Rec. Doc. No. 8.

²See 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 21 days after service of the motion."

fault along with claims under La. CC art. 2317 are dismissed with prejudice.

IT IS SO ORDERED.

Baton Rouge, Louisiana, this 31 day of March, 2010.



FRANK J. POLOZOLA
MIDDLE DISTRICT OF LOUISIANA