

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

ANGELA OWENS, ET AL  
VERSUS  
ETHICON, INC., ET AL

CIVIL ACTION  
NO. 10-190-JJB-SCR

**RULING ON MOTION FOR LEAVE TO FILE REPLY**

Before the court is the plaintiff's Motion and Order for Leave to File Reply and for Extension of Time to File Reply. Record document number 6.

Plaintiffs seek leave of court to file a reply to the defendants' opposition to their Motion to Remand.<sup>1</sup>

The issues raised in the plaintiff's Motion to Remand have already been extensively briefed by the same attorneys, and addressed and decided by the same district judge and magistrate judge, in another case in this court, *Cathrina Ellis, et al v. Ethicon, Inc., et al*, CV 09-0949-JJB-SCR. Indeed, the defendants' two-page opposition to the plaintiff's Motion to Remand adopts and incorporates by reference their briefs in the *Ellis* case. Plaintiff's motion for leave to file a reply does not indicate that any argument would be made in the plaintiff's reply which has not already been presented. Consequently, there is no need for the plaintiffs to file a reply.

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<sup>1</sup> Record document number 4, Motion to Remand; record document number 5, opposition.

Also, Local Rule 7.4.1M requires as follows:

Prior to filing any motion under this section, the moving party shall attempt to obtain consent for the filing and granting of such motion from all parties having an interest to oppose, and a certificate stating the position of the other parties shall be included in the motion.

Plaintiffs' motion does not comply with this provision of Local Rule 7.4.1M.<sup>2</sup>

Accordingly, the plaintiffs' motion for leave to file a reply is denied.

Baton Rouge, Louisiana, May 20, 2010.



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STEPHEN C. RIEDLINGER  
UNITED STATES MAGISTRATE JUDGE

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<sup>2</sup> Rather than deny the motion for failure to comply with the local rule, or defer ruling on it until the time for the defendants to file a response expired, counsel for defendants Johnson & Johnson and Ethicon, Inc. were contacted only to inquire whether the defendants opposed the plaintiff's motion. Counsel for the defendants were out of the state and had not had an opportunity to consider the motion. When advised of the contents of the motion, counsel for the defendants did not unequivocally consent to the requested extension.