

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MICHAEL KING, JR.

CIVIL ACTION

VERSUS

NUMBER 10-418-FJP-CN

LOUISIANA HEALTH SERVICE and
INDEMNITY CO. a/k/a BLUECROSS
BLUESHIELD OF LOUISIANA, and
BLUECROSS BLUESHIELD OF ALABAMA

RULING

This matter is before the Court on the motion to dismiss or, in the alternative, motion for summary judgment by defendant Wal-Mart Stores, Inc. Associates' Health and Welfare Plan, incorrectly sued as BlueCross BlueShield of Louisiana and BlueCross BlueShield of Alabama.¹ Because the plaintiff has failed to oppose this motion within 20 days as required by Local Rule 7.5M, the Court must assume that plaintiff has no opposition to this motion.²

¹Rec. Doc. No. 3.

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."

Doc#46873

Furthermore, based on the pleadings, the Court also finds that the motion should be granted as a matter of fact and law.

Judgment shall be entered accordingly.

Baton Rouge, Louisiana, this 11 day of August, 2010.



FRANK J. POLOZOLA
MIDDLE DISTRICT OF LOUISIANA