

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

EDWARD WALKER HERLITZ
VERSUS
JLG INDUSTRIES, INC.

CIVIL ACTION
NUMBER 10-799-FJP-DLD

RULING

This matter is before the Court on the motion to dismiss by the defendant pursuant to Rule 16(f) (1) (C) and Rule 37(b) (2) (A) of the Federal Rules of Civil Procedure.¹ Plaintiff has failed to oppose this motion within 21 days as required by Local Rule 7.5M; therefore, the Court must assume that plaintiff has no opposition to this motion.² Further, the Court finds that the motion should be granted as a matter of fact and law for plaintiff's repeated failure to cooperate with discovery obligations.

Therefore, the motion to dismiss is granted and plaintiff's

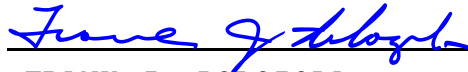
¹Rec. Doc. No. 20.

²See Local Rule 7.5M, which requires "[e]ach respondent opposing a motion is required [to] file a response, including opposing affidavits, memorandum, and such supporting documents as are then available, within 21 days after service of the motion."

complaint against the defendant is dismissed with prejudice.

Judgment shall be entered accordingly.

Baton Rouge, Louisiana, January 25, 2012.



FRANK J. POLOZOLA
MIDDLE DISTRICT OF LOUISIANA