

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ERIN RODRIGUE

CIVIL ACTION

VERSUS

THE SEAFOOD SOURCE OF
LOUISIANA, INC.

NO. 13-817-BAJ-SCR

ORDER

Before the Court is a **Motion to Dismiss (Doc. 21)** filed by Defendant Seafood Source of Louisiana, Inc. (“Seafood Source”), seeking involuntary dismissal, with prejudice, of Plaintiff Erin Rodrigue’s Fair Labor Standards Act action pursuant to Federal Rules of Civil Procedure (“Rules”) 37(d) and 41(b). Rodrigue responded to Seafood Source’s motion with an unsworn statement. (Doc. 24.). Oral argument is not necessary. Jurisdiction is proper pursuant to 28 U.S.C. § 1331. For the reasons stated below, Seafood Source’s **Motion to Dismiss (Doc. 21)** is **GRANTED**.

In its April 28, 2015 Ruling and Order, this Court provided Rodrigue with the opportunity to demonstrate that his failure to attend his second and third scheduled deposition dates was due to reasons that may have been “unintentional and/or beyond his control.” (Doc. 29 at p. 8). The Court ordered Rodrigue to file documentary evidence, by May 12, 2015 and under penalty of perjury, that would support the reasons for missing the scheduled depositions that he provided in his

unsworn statement. (*Id.* at p. 11–12). The Court expressly noted that “Rodrigue’s failure to timely provide documentary evidence, under penalty of perjury, to support the statements set forth in his response to this motion and cure the deficiencies of his response could move the Court to dismiss this action, with prejudice, pursuant to Rule 41(b).” (*Id.* at p. 11). Rodrigue did not file any documentation by the Court’s deadline.

Accordingly,

IT IS ORDERED that Defendant Seafood Source’s **Motion to Dismiss (Doc. 21)** is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED WITH PREJUDICE**, pursuant to Federal Rule of Civil Procedure 41(b).

IT IS FURTHER ORDERED that the final pretrial order deadline extended to May 19, 2015 (Doc. 29) is **CANCELLED**.

IT IS FURTHER ORDERED that the bench trial in this action scheduled for August 24-25, 2015, and all other deadlines set in the December 24, 2014 Amended Scheduling Order (Doc. 20), are **CANCELLED**.

IT IS FURTHER ORDERED that each party shall bear its own costs.

Baton Rouge, Louisiana, this 14th day of May, 2015.



**BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**