

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

WILLIE JERMAINE BROWN

CIVIL ACTION NUMBER

VERSUS

14-545-SDD-RLB

WOODSTREAM CORP., ET AL.

RULING

Local rule 7(f) of the Middle District of Louisiana requires that memoranda in opposition to a motion be filed within twenty-one (21) days after service of the motion.

The rule provides as follows:

LR 7(f) Response and Memorandum

Each respondent opposing a motion shall file a response, including opposing affidavits, memorandum, and such supporting documents as are then available, within twenty-one days after service of the motion. Memoranda shall contain a concise statement of reasons in opposition to the motion, and a citation of authorities upon which the respondent relies. For good cause appearing therefor, a respondent may be required to file a response and supporting documents, including memoranda, within such shorter or longer period of time as the court may order. Reply memoranda and surreply memoranda may only be filed by leave of Court.

In the present case, a *Motion for Summary Judgment*¹ was electronically filed by Defendant, Home Depot U.S.A., Inc., on July 15, 2015. A review of the record shows that more than twenty-one (21) days have elapsed since the electronic and certified mail service of this Motion, and no memorandum in opposition has been submitted to date.

Therefore, this Motion is deemed to be unopposed and further, after reviewing the record, the Court finds that the Motion has merit. Accordingly,


¹ Rec. Doc. 15.

IT IS HEREBY ORDERED that the *Motion for Summary Judgment*² is GRANTED and all claims asserted by Plaintiff against Defendant, Home Depot U.S.A., Inc., are dismissed with prejudice.

Any response to this *Ruling*, based on the appropriate Federal Rule of Civil Procedure, shall be filed within fourteen (14) days and must be accompanied by an opposition memorandum to the original Motion³.

On review of the pleadings filed along with the opposition, the Court, at its discretion, may assess costs, including attorney's fees, against the moving party, if the Court deems that such a motion was unnecessary had a timely opposition memorandum been filed⁴. A statement of costs conforming to L.R. 54.3 shall be submitted by all parties desiring to be awarded costs and attorney's fees no later than seven (7) days prior to the hearing on the newly filed motion.

Baton Rouge, Louisiana the 17 day of August, 2015.



**SHELLY D. DICK, DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA**

² Rec. Doc. 15.

³ If no response to this *Ruling* is filed within fourteen (14) days, this dismissal is converted to a dismissal with prejudice.

⁴ See Fed. R. Civ. P. 16, 83.