

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

HAZEL D. OUBER

CIVIL ACTION

VERSUS

15-100-SDD-RLB

JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION and
JASON ARD

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 to Dismiss*¹ was electronically filed by Defendant, JPMorgan Chase Bank, N.A. on March 11, 2015. Plaintiff Hazel Ouber filed a *Motion to*

¹ Rec. Doc. 10.

Document Number: 28814

*Remand*² on March 25, 2015. The Court suspended the briefing deadlines for the *Motion to Dismiss* while the remand motion was pending. On August 28, 2015, the Court adopted the *Report and Recommendations* of the Magistrate Judge and denied Plaintiff's *Motion to Remand*.³ On August 31, 2015, the Court issued a briefing notice which set forth that Plaintiff shall file a response to the Defendant's *Motion to Dismiss* on or before September 21, 2015.⁴ As of September 25, 2015, no memorandum in opposition has been submitted, and no requests for extensions of time have been made.

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

IT IS HEREBY ORDERED that the *Motion to Dismiss*⁵ is GRANTED and all claims asserted by Plaintiff against Defendant JPMorgan Chase, N.A. are dismissed from these proceedings without prejudice. Plaintiff's claims against Defendant Jason Ard remain before the Court.

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 Motion.⁶

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

² Rec. Doc. No. 14.

³ Rec. Doc. No. 20.


⁴ Rec. Doc. No. 21.

⁵ Rec. Doc. 125.

⁶ If no response to this *Ruling* is filed within fourteen (14) days, this dismissal is converted to a dismissal with prejudice.

memorandum been filed.⁷ 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 this 25 day of September, 2015.


SHELLY D. DICK, DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA

⁷ See Fed. R. Civ. P. 16, 83.
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