

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

JACKELINE FERNANDEZ

CIVIL ACTION

VERSUS

16-668-SDD-EWD

TOYOTA MOTOR USA, INC., 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.

In the present case, a *Motion to Dismiss*¹ was electronically filed by Defendant, Progressive Security Insurance Company, on December 27, 2016. A review of the record shows that more than twenty-one (21) days have elapsed since the electronic 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,

IT IS HEREBY ORDERED that the *Motion to Dismiss* is GRANTED and this matter is dismissed without 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 Motion².

¹ Rec. Doc. 4.

² If no response to this *Ruling* is filed within fourteen (14) days, this dismissal is converted to a dismissal with prejudice.

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 filed³. A statement of costs conforming to L.R. 54(c) 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 15 day of February, 2017.


SHELLY D. DICK, DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA

³ See Fed. R. Civ. P. 16, 83.