

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

BREANNE BOUQUET

CIVIL ACTION

VERSUS

17-1756-SDD-EWD

ORTHONET, LLC, ET AL

RULING

This matter is before the Court on the *Motion to Dismiss*¹ filed by Defendant, Louisiana Sheriffs' Association, Inc. ("LSA"). No opposition to this motion has been filed.

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, the motion by LSA was electronically filed on December 20, 2017. A review of the record shows that far 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.² The record also reflects that Plaintiff was aware of this motion on April 19, 2018, when she consented to a continuance of the scheduling conference pending resolution of this motion.³

Therefore, this Motion is deemed to be unopposed and further, after reviewing the record, the Court finds that the Motion has merit. Plaintiff's *Petition for Damages*⁴ contains no allegations concerning LSA other than the allegation that the insurance policy

¹ Rec. Doc. 5.

² Any opposition to this motion was due on January 10, 2018. The record reflects that no extension of time was ever requested.

³ Rec. Doc. No. 7.

⁴ Rec. Doc. 1-3, pp. 2-4.

Document Number: 47139

in question was provided to Plaintiff through her spouse's employment with the West Baton Rouge Sheriff's Office.⁵

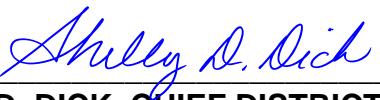
Accordingly, **IT IS HEREBY ORDERED** that the *Motion to Dismiss*⁶ by the Louisiana Sheriffs' Association, Inc. is GRANTED, and LSA is dismissed from this case without prejudice.

Any response to this *Ruling*, which should explain the Plaintiff's failure to comply with the Court's deadlines, 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.

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 filed.⁷ 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.

IT IS SO ORDERED.

Baton Rouge, Louisiana, this 30th day of July, 2018.


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

⁵ Rec. Doc. 1-3, p. 2.

⁶ Rec. Doc. 5.

⁷ See Fed. R. Civ. P. 16, 83.

Document Number: 47139