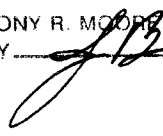


RECEIVED
IN LAKE CHARLES, LA

DEC -2 2013

TONY R. MOORE, CLERK
BY  DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

LAURA O'HARA, ET AL.

Plaintiffs

V.

WEST CALCASIEU CAMERON
HOSPITAL FOUNDATION, ET AL.

Defendants

* CIVIL ACTION NO. 2:13-CV-00967
*
*
*
* JUDGE MINALDI
*
*
* MAGISTRATE JUDGE KAY
*

MEMORANDUM ORDER

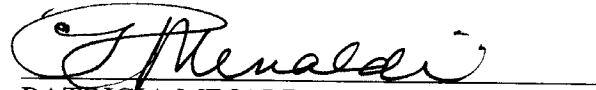
Before the court is the Motion to Dismiss Claims for Statutory Penalties Against West Calcasieu Cameron Hospital (WCCH) Pursuant to Rule 12(b)(6) or in the Alternative 12(c) of the Federal Rules of Civil Procedure [Doc. 10], filed by the defendant, WCCH. No Opposition has been filed. However, WCCH's Motion, filed on August 23, 2013, sought the dismissal of the plaintiffs' requests for statutory penalties under the Emergency Medical Treatment and Active Labor Act (EMTALA), 42 U.S.C. § 1395dd.¹ Subsequently, on September 18, 2013, the plaintiffs filed an Amended Complaint [Doc. 14], which amended paragraph 5 of the plaintiffs' original complaint so as to remove any request for statutory penalties under EMTALA.² WCCH has responded by filing an Answer to Amended Complaint [Doc. 15].

As the plaintiffs no longer assert the claims which formed the subject of WCCH's Motion to Dismiss, the Motion is deemed moot. Accordingly,

IT IS ORDERED that WCCH's Motion to Dismiss [Doc. 10] be and hereby is **DENIED** as **MOOT**.

Lake Charles, Louisiana, this 1 day of Dec, 2013.

¹ Mot. to Dismiss [Doc. 10], at 1-2. See also Compl. [Doc. 1], at ¶5.
² Am. Compl. [14], at ¶ 1.

A handwritten signature in cursive script, appearing to read "P. Minaldi", is written over a horizontal line.

PATRICIA MINALDI
UNITED STATES DISTRICT COURT