

APR 28 2017

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

SAM HYMEL

CIVIL ACTION NO. 2:17-0074

VERSUS

JUDGE JAMES T. TRIMBLE, JR.

AXIALL CORPORATION, ET AL

MAG. JUDGE KATHLEEN KAY

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MEMORANDUM RULING AND JUDGMENT

Before the court is “Defendant’s Rule 41(b) Motion to Dismiss” (R. #1) wherein, Defendants, Axiall Corporation, John Manns, Eagle US 2 LLC, P H H Monomers LLC, move to dismiss with prejudice Plaintiff Sam Hymel.

On January 17, 2017, the court ordered that the Plaintiff herein be transferred from the original lawsuit entitled Daphne Richard et al v. Axiall Corp, Civ. Action 2:15-283-JTT-KK¹ to this lawsuit. The sole purpose of this administrative case is to consider the instant motion to dismiss the Plaintiff who failed to respond to discovery as ordered by the court in the original lawsuit.

On February 8, 2017, the Magistrate Judge granted Plaintiffs’ counsel Steven W. Hale and W. Taylor Hale’s motion to withdraw² and put Plaintiff on notice that he was representing himself after specifically finding that former counsel had taken adequate measures to contact the

¹ R. #41.

² See R. #3 and Electronic Order #4.

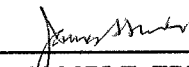
Plaintiff. The Magistrate Judge further ordered the clerk to mail notice of the order to the Plaintiff to the address provided in the pleadings.³

As of this date, the Plaintiff has not responded to the discovery requests, nor has the Plaintiff opposed the instant motion to dismiss. Accordingly,

IT IS ORDERED, ADJUDGED AND DECREED that the motion to dismiss is hereby **GRANTED** dismissing with prejudice Plaintiff, Sam Hymel.

IT IS FURTHER ORDERED that the Clerk of Court close the instant lawsuit.

THUS DONE AND SIGNED in Alexandria, Louisiana on this 28th day of April, 2017.



JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT COURT

³ R. #4. In the order noticed the plaintiffs, the Magistrate Judge also put plaintiffs on notice that the instant motion to dismiss had been filed.