

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

JUNIOR A. SOBRINO-BARRERA,

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Plaintiff,

v.

CIVIL ACTION NO. H-09-3642

ANDERSON SHIPPING CO., LTD.,  
SOCOGEM SAM, and OLDENDORFF  
CARRIERS GMBH & CO.,

Defendants.


ORDER DENYING MOTION FOR SUMMARY JUDGMENT

Pending is Anderson Shipping Co., Ltd.'s and SoCoGEM SAM's Motion for Summary Judgment (Document No. 27). Defendants filed this Motion for Summary Judgment based on the deemed admissions, which have subsequently been withdrawn by Order of the Court. Defendants bear the initial burden of production even if Plaintiff has the burden of persuasion at trial. Tubacex, Inc. v. M/V Risan, 45 F.3d 951, 954 (5th Cir. 1995) ("If the moving party fails to meet this burden, the motion must be denied, regardless of the nonmovant's response."). Defendants have provided no evidence in support of their motion and hence have not carried their initial burden to produce evidence under Rule 56. FED. R. CIV. PRO. 56; Celotex, 106 S. Ct. at 2553. Therefore, it is

ORDERED that Defendants' Motion for Summary Judgment (Document No. 27) is DENIED.

The Clerk will enter this Order and send a copy to all counsel of record.

SIGNED at Houston, Texas on this 2<sup>d</sup> day of December, 2010.

  
EWING WERLEIN, JR.  
UNITED STATES DISTRICT JUDGE