

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

BRITTANIE SKAGGS, )  
 )  
 Plaintiff, )  
 )  
 vs. ) 4:15-cv-00118-RLY-DML  
 )  
 GORDON FOOD SERVICE INC., d/b/a )  
 GORDON FOOD SERVICE; GORDON )  
 FOOD SERVICE LLC, d/b/a GORDON )  
 FOOD SERVICE, )  
 Defendants. )

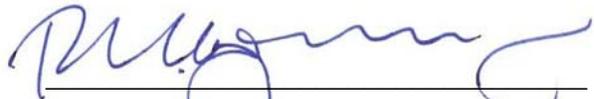
**ORDER ON DEFENDANTS’ MOTION TO DISMISS and  
MOTION FOR SUMMARY RULING**

Defendants, Gordon Food Service, Inc. and Gordon Food Service, LLC, moved to dismiss the Complaint pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute the case, abide by the Federal Rules of Civil Procedure, and comply with court orders. When Plaintiff, Brittanie Skaggs, failed to respond, Defendants moved for a summary ruling pursuant to the court’s local rules. *See* S.D. Ind. L.R. 7-1(c)(4) (“The court may summarily rule on a motion if an opposing party does not file a response within the deadline.”).

As the Seventh Circuit has made clear, “[W]hen presented with a motion to dismiss, the nonmoving party must proffer some legal basis to support h[er] cause of action. The federal courts will not invent legal arguments for litigants.” *Stransky v. Cummins Engine Co.*, 51 F.3d 1329, 1335 (7th Cir. 1995) (citation omitted). Put another way, “Our system of justice is adversarial, and our judges are busy people. If they are

given plausible reasons for dismissing a complaint, they are not going to do the plaintiff's research and try to discover whether there might be something to say against the defendants' reasoning." *Kirksey v. R.J. Reynolds Tobacco Co.*, 168 F.3d 1039, 1041 (7th Cir. 1999) (quoted in *G&S Holdings LLC v. Cont'l Cas. Co.*, 697 F.3d 534, 538 (7th Cir. 2012)). Because Plaintiff failed to muster any opposition to either the motion to dismiss or the motion for summary ruling, her Complaint shall be dismissed forthwith. Therefore, Defendants' Motion to Dismiss (Filing No. 19) and Motion for Summary Ruling (Filing No. 23) are both **GRANTED**. Plaintiff's Complaint is hereby **DISMISSED WITH PREJUDICE**.

**SO ORDERED** this 21st day of April 2016.



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RICHARD L. YOUNG, CHIEF JUDGE  
United States District Court  
Southern District of Indiana

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