

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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DAVID ROVNER )  
 )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 WASHINGTON METROPOLITAN )  
 AREA TRANSIT AUTHORITY and )  
 JEREL TREMAYNE LUCAS )  
 )  
 Defendants. )  
\_\_\_\_\_

Case No. 13 cv 1547 (RJL)

**FILED**

NOV 22 2013

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

MEMORANDUM OPINION AND ORDER

(November 19, 2013) [#4]

Plaintiff David Rovner brought this action in D.C. Superior Court against the Washington Metropolitan Area Transit Authority (“WMATA”) and Jerel Tremayne Lucas (“Lucas”) for injuries sustained when a WMATA bus, driven by Lucas, struck plaintiff while he was crossing the street. *See generally* Compl. [Dkt. #1-2]. WMATA removed the case to this Court, *see* Notice of Removal [Dkt. #1], and Lucas moved to dismiss on the ground that he is “immune from lawsuit under Section 80 of the WMATA Compact codified at D.C. Code Ann. § 9-1107.01,” *see* Mot. to Dismiss Jerel T. Lucas, Only [Dkt. #4]. For the following reason, I will grant Lucas’s motion.

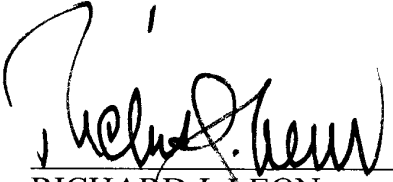
Local Rule of Civil Procedure 7(b) provides that a party opposing a motion has 14 days to file a memorandum in opposition, and if such party fails to do so, the court may treat the motion as conceded. LCvR 7(b). This rule is a “docket-management tool that facilitates efficient and effective resolution of motions by requiring the prompt joining of

issues.” *Fox v. American Airlines, Inc.*, 389 F.3d 1291, 1294 (D.C. Cir. 2004). In *Fox*, the D.C. Circuit affirmed the District Court’s holding that “because the plaintiffs failed to respond to the defendant’s [] motion, the court treats the motion as conceded and grants the motion.” *Id.* (citations omitted). Whether to treat the motion as conceded under Rule 7(b) is highly discretionary, and our Circuit Court has noted that “where the district court relies on the absence of a response as a basis for treating the motion as conceded, [the Court of Appeals will] honor its enforcement of the rule.” *Twelve John Does v. District of Columbia*, 117 F.3d 571, 577 (D.C. Cir. 1997).

Because plaintiff failed to file an opposition to Lucas’s motion to dismiss, I will treat the motion as conceded. LCvR 7(b). In light of that concession and based on a review of the pleadings, the relevant law cited therein, and the record, it is hereby

**ORDERED** that Motion to Dismiss Defendant Jerel T. Lucas, Only [#4] is **GRANTED**.

**SO ORDERED.**

  
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RICHARD J. LEON  
United States District Judge