

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

CHERYL AUCOIN, ET AL

CIVIL ACTION

VERSUS

NO. 09-3690

EXXON MOBIL CORP., ET AL

SECTION "N" (5)

ORDER AND REASONS

Presently before the Court is "Exxon Mobil Corporation, ExxonMobil Oil Corporation and Humble Incorporated's Motion to Dismiss for Failure to State a Claim on Which Relief Can Be Granted" (Rec. Doc. 106). Relying on *Bulot v. Intracoastal Tubular Services, Inc.*, 888 So. 2d 1017 (La. Ct. App. 4 Cir. 11/3/04), *writ denied*, 896 So.2d 1005 and 896 So.2d 1011 (La. 3/18/05), Movants ask the Court to dismiss Plaintiffs' claims for punitive damages asserted as part of wrongful death actions authorized by Louisiana Civil Code article 2315.2 . On the showing made, and for essentially the reasons set forth in Plaintiffs' opposition memoranda (Rec. Docs. 112 and 120), **IT IS ORDERED** that the motion is **DENIED**.

New Orleans, Louisiana, this 28th day of March 2011.



KURT D. ENGELHARDT
United States District Judge