

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA
2009 MAY -1 A 10:41

BARRY CONCRETE, INC.

VERSUS

MARTIN MARIETTA MATERIALS,
INC., ET AL.

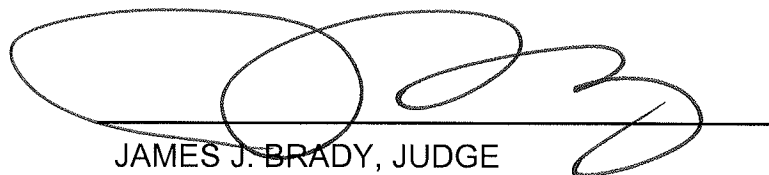
CIVIL ACTION
NO. 06-504-JJB-CN

RULING

The court has carefully considered the petition, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Christine Nolane dated March 13, 2009 (doc. no. 61) to which no objection has been filed.

The court hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein. Accordingly, Third Party Defendant, Percy L. Wilson, d/b/a Percy Wilson Trucking, is sanctioned for failure to obey the Orders of the Court and for failure to appear for a pretrial conference, in accordance with Rule 16(f)(1)(A) and (C) of the Federal Rules of Civil Procedure, by prohibiting him from supporting or opposing any defenses, or from introducing any evidence on his behalf.

Baton Rouge, Louisiana, this 1ST day of May, 2009.



JAMES J. BRADY, JUDGE
MIDDLE DISTRICT OF LOUISIANA