

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA
2009 MAR 18 AM 11:17

JOHN SIMS, ET AL

CIVIL ACTION

VERSUS

NO. 08-612-C

THE DOW CHEMICAL COMPANY,
ET AL


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 Stephen C. Riedlinger dated January 23, 2009. Plaintiff has filed an objection and defendants have filed a response which the court has considered.

The court hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein.

Accordingly, the plaintiff's motion to remand for lack of subject matter jurisdiction by reason of defendants failure to comply with 28 U.S.C § 1446(a) is denied.

Baton Rouge, Louisiana, March 17, 2009.


RALPH E. TYSON, CHIEF JUDGE
MIDDLE DISTRICT OF LOUISIANA