

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

J. DAVID MATTHEWS AND
SHEARWATER COMMUNITIES, LLC

CIVIL ACTION

VERSUS

NO. 09-910-JJB

BANCORPSOUTH BANK, LARRY
DENISON, AND SCOTT SINGLETARY

RULING

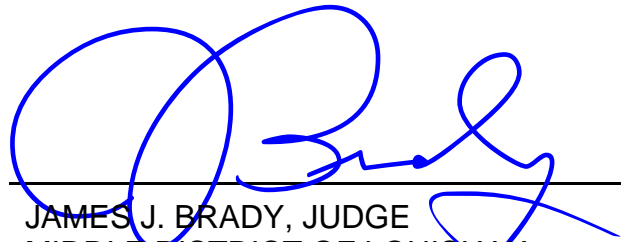
The Court has carefully considered the motion, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Christine Noland, dated January 25, 2010 (doc. 8). Plaintiffs have filed an objection, which the Court has considered in conducting a *de novo* review of the record.

The Court finds that the magistrate judge's findings of fact and conclusions of law are all clearly correct and that there is no need to further address Plaintiffs' arguments. Specifically, the Court finds that the magistrate judge appropriately inquired into whether Plaintiffs had a reasonable basis for recovery against the in-state defendants. See *Smallwood v. Illinois Cent. R. Co.*, 385 F.3d 568, 573 (5th Cir. 2004). Further, the magistrate judge correctly noted that as interpreted in the Fifth Circuit, *Canter* liability is limited to bodily injury claims. See *Kling Realty Co., Inc. v. Chevron USA, Inc.*, 575 F.3d 310 (5th Cir. 2009). Also, even applying *Canter* to Plaintiffs' claims, Plaintiffs cannot recover. Finally, the Court agrees with the

magistrate judge's finding that Plaintiffs' cannot recover for conspiracy because La. C.C. art. 2324 does not cover breaches of fiduciary duty. *See Louisiana v. Guidry*, 489 F.3d 692, 706-07 (5th Cir. 2007). Thus, the Court hereby approves the report and recommendation of the magistrate judge and adopts it as the Court's opinion herein. Accordingly,

IT IS ORDERED that Plaintiffs' motion for remand to state court (doc. 4) is DENIED.

Baton Rouge, Louisiana, this 1st day of March 2010.



JAMES J. BRADY, JUDGE
MIDDLE DISTRICT OF LOUISIANA