

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ROYCE LEONARD, ET AL

VERSUS

CIVIL ACTION

BOARD OF SUPERVISORS OF
LOUISIANA STATE UNIVERSITY AND
AGRICULTURE AND MECHANICAL
COLLEGE, ET AL

NO. 13-565-JJB-SCR

RULING ON REPORT AND RECOMMENDATION

This matter is before the Court on a Motion (doc. 24) to Remand brought by Plaintiffs, Royce and Beverly Leonard. 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 Stephen Riedlinger, dated January 17, 2014. The Magistrate Judge recommended that the Plaintiffs' Motion (doc. 24) for Remand be denied. (doc. 68). Accordingly, the Magistrate Judge found that removal was proper pursuant to 28 U.S.C. § 1442(a)(1) and that the Court may exercise supplemental jurisdiction under 28 U.S.C. § 1367(a). Plaintiffs have filed an objection (doc. 74), which the Court has considered in conducting a *de novo* review of the record. *See* FED. R. CIV. P. 72(b)(3). Defendant, Cessna Aircraft Company ("Cessna") has filed a Limited Objection/Request for Clarification Regarding a Potential Finding of Fact (doc. 73).

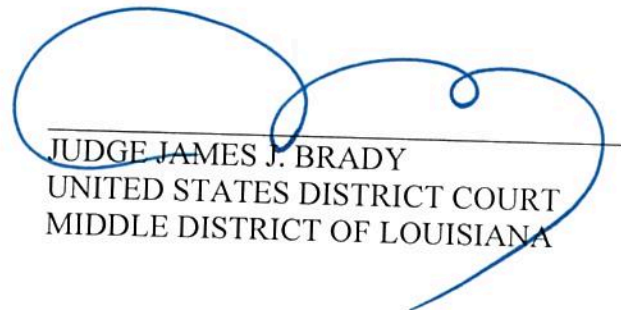
The Court finds that the Magistrate Judge's findings of fact and conclusions of law are all clearly correct and that there is no need to further address the Plaintiffs' arguments as they mostly consist of arguments that have been duly considered and properly resolved by the Magistrate Judge.

As to Cessna's limited objection/request for clarification, Cessna seeks clarification as to whether the following statement conclusively finds that materials and/or component parts of the

T-37 military aircraft contained asbestos: “Cessna provided evidence showing that it was contracted to build the t-37 for the Air Force according to the specified performance characteristics, materials, and component parts to be used, *including parts containing asbestos.*” Doc. 73-1, at 2. It does not. The Magistrate Judge did not find that any material and/or component part of Cessna’s T-37 military aircraft contained asbestos.

After review, the Court hereby **APPROVES and ADOPTS** the Report and Recommendation (doc. 68) of the Magistrate Judge with the clarification that the Report and Recommendation does not make a finding of fact as to whether the materials and/or component parts of Cessna’s T-37 military aircraft contained asbestos. Accordingly, the Motion (doc. 24) for Remand filed by the Plaintiffs is **DENIED** and Cessna’s Limited Objection/Request for Clarification Regarding a Potential Finding of Fact (doc. 73) is **GRANTED**.

Signed in Baton Rouge, Louisiana on May 27th, 2014.



JUDGE JAMES J. BRADY
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA