

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

POWKO INDUSTRIES, L.L.C.

CIVIL ACTION

VERSUS

DMI CONTRACTORS, INC., ET AL.

NO.: 17-00458-BAJ-RLB

RULING AND ORDER

Before the Court is the United States Magistrate Judge's **Report and Recommendation (Doc. 47)** pursuant to 28 U.S.C. § 636(b)(1). The Report and Recommendation addresses the **Motion to Remand (Doc. 7)** filed by Scott Folse, DMI Contractors, Inc., and DMI Pipe Fabricators, L.L.C. (collectively, "DMI"); as well as the **Motion to Dismiss (Doc. 44)** filed by Powko Industries, LLC ("Powko"). The Magistrate Judge recommended that DMI's Motion to Remand be DENIED. (Doc. 47 at p. 23). The Magistrate Judge further recommend that Powko's Motion to Dismiss be GRANTED. (*Id.*). Lastly, the Magistrate Judge recommended that this matter be consolidated with *LM Insurance Corporation v. Folse, et al.*, Civil Action No. 3:17-cv-00020-BAJ-RLB, for all purposes pursuant to Rule 42 of the Federal Rules of Civil Procedure, as well as for the Magistrate Judge to enter a new scheduling order. (*Id.*).

The Report and Recommendation notified the parties that, pursuant to 28 U.S.C. § 636(b)(1), they had fourteen (14) days from the date they received the Report and Recommendation to file written objections to the proposed findings of fact, conclusions of law, and recommendations therein. (Doc. 47 at p. 1). Neither party objected. Having carefully considered the underlying Complaint, the instant motions,

and related filings, the Court approves the Magistrate Judge's Report and Recommendation, and hereby adopts its findings of fact, conclusions of law, and recommendation.

Accordingly,

IT IS ORDERED that the **Magistrate Judge's Report and Recommendation (Doc. 47)** is **ADOPTED** as the Court's opinion herein.

IT IS FURTHER ORDERED that the **Motion to Remand (Doc. 7)** is **DENIED**, with each party to bear its own costs.

IT IS FURTHER ORDERED that the **Motion to Dismiss (Doc. 44)** is **GRANTED**. All claims brought by Powko Industries, LLC, against Defendants, Scott Folsie, DMI Contractors Inc., and DMI Pipe Fabrication LLC are dismissed with prejudice, with each party to bear its own costs and attorneys' fees.

IT IS FURTHER ORDERED that this matter be **CONSOLIDATED** with *LM Insurance Corporation v. Folsie, et al.*, Civil Action No. 3:17-cv-00020-BAJ-RLB, for all purposes pursuant to Rule 42 of the Federal Rules of Civil Procedure, as well as for the Magistrate Judge to enter a new scheduling order.

IT IS FURTHER ORDERED that the unopposed **Motion to Dismiss (Doc. 13)** filed by third-party Defendant, LM Insurance Corporation, is **DENIED AS MOOT**.

Baton Rouge, Louisiana, this 30th day of January, 2018.



**BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**