

RECEIVED
MAR 30 2010

TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

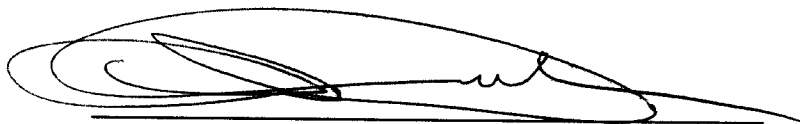
HAROLD D. BIRDWELL, et al. CIVIL ACTION NO. 09-1564
VERSUS U.S. DISTRICT JUDGE DEE D. DRELL
XTO ENERGY INC., et al. U.S. MAGISTRATE JUDGE JAMES D. KIRK

J U D G M E N T

For the reasons contained in the Report and Recommendation of the Magistrate Judge filed previously herein, noting the absence of objections thereto, and concurring with the Magistrate Judge's findings under the applicable law;

IT IS ORDERED that the motion to dismiss and to strike, Doc. No. 7, is DENIED, except that plaintiffs' claim under LUTPA should be dismissed and, therefore, to that extent only, the motion should be GRANTED.

THUS DONE AND SIGNED, in chambers, in Alexandria, Louisiana, on this 29th day of March, 2010.



Dee D. Drell
UNITED STATES DISTRICT JUDGE