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WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA, LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

CAMERON EVANS

CIVIL ACTION NO. 1:14-CV-02255

-vs-

CHIEF JUDGE DRELL

VIDALIA DOCK & STORAGE  
COMPANY

MAGISTRATE JUDGE PEREZ-MONTES

J U D G M E N T

Before the court is the Report and Recommendation of the Magistrate Judge, previously issued in the above-captioned civil matter. (Doc. 58). The parties have fully briefed Plaintiffs' underlying Motion to Dismiss (Doc. 44) as well as the objection to the Report and Recommendation (Doc. 60) and we have reviewed these filings, as well as the remainder of the record. Based on our review of the law and arguments of the parties, it is hereby

ORDERED that Oakley's Motion to Dismiss is GRANTED (Doc. 44) and Vidalia's negligence claim against Oakley is DENIED AND DISMISSED WITH PREJUDICE. In finding, we adopt the finding of the Magistrate Judge's Report and Recommendation, noting that maritime negligence law includes salvage and the loss of the use of a vessel. Withhart v. Otto Candies, L.L.C., 431 F.3d 840, 842 (5<sup>th</sup> Cir. 2005). We agree with the findings of the Magistrate Judge that Oakley did not owe a duty of reasonable care to the crew of the salvage vessel under a general maritime negligence theory.

THUS ORDERED AND SIGNED in Chambers at Alexandria this 1<sup>st</sup> day of February, 2017.

  
DEE D. DRELL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT