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AUG 31 2016

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

gfr  
UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

RITCHIE GROCER CO.,  
Plaintiff

CIVIL ACTION NO. 1:14-CV-02868

VERSUS

CHIEF JUDGE DRELL

2 H INC, ET AL.,  
Defendants

MAGISTRATE JUDGE PEREZ-MONTES


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JUDGMENT

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

IT IS ORDERED that Defendants' Motion to Dismiss (Doc. 95) is GRANTED IN PART and DENIED IN PART. Plaintiff's claims against BEPCO Genpar and BOPCO GP for fraud, punitive damages, continuing tort, continuing trespass, civil fruits, unjust enrichment, and those asserted under Louisiana Civil Code articles 576, 577, 645, 2317, 2322 and 2688, Mineral Code article 22, and Restatement (second) of Torts § 324(A) are DISMISSED WITH PREJUDICE. In all other respects, including Plaintiff's claims under pre-amendment Article 667, Defendants' motion should be DENIED.

THUS ORDERED AND SIGNED in Chambers at Alexandria, Louisiana, on this 30<sup>th</sup> day of August August, 2016.

  
DEE D. DRELL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT