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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

**SAMELLA ANDERSON AND
AUTHOR ANDERSON**

CIVIL ACTION NO. 10-1448

VERSUS

JUDGE ROBERT G. JAMES

**STATE OF LOUISIANA, LOUISIANA
DEPARTMENT OF PUBLIC SAFETY
AND CORRECTIONS, OFFICE OF
THE STATE FIRE MARSHAL, ET AL.**

MAG. JUDGE KAREN L. HAYES

RULING

Pending before the Court are a motion to dismiss [Doc. No. 12] and a motion to dismiss and for summary judgment [Doc. No. 26]. The Magistrate Judge filed a Report and Recommendation on these motions [Doc. No. 33], recommending that the motions be granted and that Plaintiffs' claims, in their entirety, be dismissed.

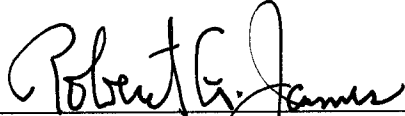
The Court agrees with and ADOPTS the Magistrate Judge's Report and Recommendation. The Court issues this Ruling to address Plaintiffs' claims against the unnamed insurers of Defendant State of Louisiana, Louisiana Department of Public Safety and Corrections, Office of the State Fire Marshal, as well as the unnamed insurers of Defendant City of Bastrop, Fire and Police Departments.

An insurer can only have liability if its insured has liability. *XL Specialty Ins. Co. v. Bollinger Shipyards Lockport LLC*, 76 Fed. App'x 536, 542 (5th Cir. 2003) (citing *Foster v. Hampton*, 352 So.2d 197, 203 (La. 1997)). Since the Court is dismissing Plaintiffs' claims against the above Defendants, Plaintiffs cannot proceed with claims against Defendants' unnamed insurers.

Thus, for the reasons stated in the Magistrate Judge's Report and Recommendation,

Plaintiffs' claims against the unnamed insurers of Defendant State of Louisiana, Louisiana Department of Public Safety and Corrections, Office of the State Fire Marshal are DISMISSED WITHOUT PREJUDICE. Further, Plaintiffs' claims against the unnamed insurers of Defendant City of Bastrop, Fire and Police Departments are DISMISSED WITH PREJUDICE.

MONROE, LOUISIANA, this the 18 day of August, 2011.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE