

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF LOUISIANA**  
**MONROE DIVISION**

**MICHAEL DENTON AND PAMELA DENTON** \* **CIVIL ACTION NO. 12-0328**  
**VERSUS** \* **JUDGE ROBERT G. JAMES**  
**FOSTER POULTRY FARMS, INC.** \* **MAG. JUDGE KAREN L. HAYES**

**J U D G M E N T**

The Superseding Report and Recommendation [Doc. No. 25] of the Magistrate Judge having been considered, no objections thereto having been filed, and finding that same is supported by the law and the record in this matter,

**IT IS ORDERED** that the Motion to Dismiss for Failure to State a Claim upon which Relief can be Granted [Doc. No. 5] filed by Defendants Foster Farms Delaware, Inc., and Gary Surles is hereby **DENIED AS MOOT**.

In light of Plaintiffs' substitution of the proper Defendant in their Amended Complaint [Doc. No. 23], the Clerk of Court is instructed to remove Foster Farms Delaware, Inc., and Gary Surles as Defendants in this matter because they are not named Defendants in the Amended Complaint.

MONROE, LOUISIANA, this 23rd day of August, 2012.

  
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ROBERT G. JAMES  
UNITED STATES DISTRICT JUDGE