

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

ALMA HORNE

CIVIL ACTION NO. 14CV2383

VERSUS

JUDGE ROBERT G. JAMES

J.C. PENNEY CORPORATION, ET AL

MAGISTRATE JUDGE HAYES

JUDGMENT

Upon consideration of the Report and Recommendation of the Magistrate Judge [Doc. No. 17], no objections thereto having been filed, and for the reasons set forth in the Report and Recommendation,

IT IS ORDERED, ADJUDGED and DECREED that Defendants' Motion to Partially Dismiss [Doc. No. 6] is GRANTED IN PART AND DENIED IN PART. To the extent that Defendants move for dismissal of Plaintiff's claim for breach of fiduciary duty and associated prayer for an "equitable surcharge," the motion is GRANTED and those claims are DISMISSED WITH PREJUDICE. To the extent that Defendants request attorneys' fees and costs, the motion is DENIED.

MONROE, LOUISIANA, this 12th day of November, 2014.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE