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WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE-OPELOUSAS DIVISION

NEW ENGLAND INSURANCE COMPANY      CIVIL ACTION NO. 06-0555

VS.      JUDGE DOHERTY

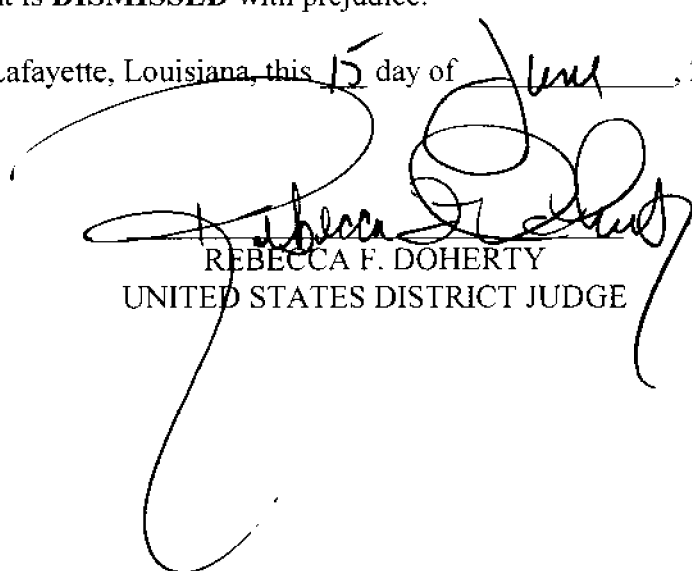
RICHARD D. BARNETT      MAGISTRATE JUDGE METHVIN

*JUDGMENT*

This matter was referred to United States Magistrate Judge Mildred E. Methvin for Report and Recommendation. After an independent review of the record, and noting the absence of any objections, this Court concludes that the Report and Recommendation of the Magistrate Judge is correct and adopts the findings and conclusions therein as its own.

Accordingly, **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that plaintiff's unopposed motion for partial dismissal (Rec. 48) and Barnett's voluntary motion to dismiss (Rec. 52) are **GRANTED**, and that Barnett's counterclaim against New England for damages as a result of an alleged defamatory statement made in New England's motion for declaratory judgment is **DISMISSED** with prejudice.

Lafayette, Louisiana, this 15 day of June, 2009.

  
REBECCA F. DOHERTY  
UNITED STATES DISTRICT JUDGE