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JUL 29 2009

UNITED STATES DISTRICT COURT

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

WESTERN DISTRICT OF LOUISIANA

GEORGE LARRY MYERS

*CIVIL ACTION NO. 08-0168

VS.

*JUDGE DOHERTY

BP AMERICA, INC., ET AL.

*MAGISTRATE JUDGE HILL

JUDGMENT

This matter was referred to United States Magistrate Judge C. Michael Hill for Report and Recommendation. No objections have been filed. The Court concludes that the Report and Recommendation of the magistrate judge is correct and therefore adopts the conclusions set forth therein. Accordingly;

IT IS ORDERED that the defendants' Motion for Partial Summary Judgement [rec. doc. 167] is **granted**. Accordingly, the **plaintiff's request to certify** this matter as a **class action is denied**.

THUS DONE AND SIGNED, in chambers, in Lafayette, Louisiana, on this

29 day of July, 2009.

REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE