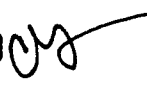


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AUG 31 2010 TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANAUNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

RONALD AKERS

CIVIL ACTION NO. 09-915

VERSUS

JUDGE DOHERTY

SHAW ENVIRONMENTAL,
INC., ET AL

MAGISTRATE JUDGE HANNA

CONSOLIDATED WITH

DAVID MCGRATH

CIVIL ACTION NO. 09-1110

VERSUS

JUDGE DOHERTY

SHAW ENVIRONMENTAL,
INC., ET AL

MAGISTRATE JUDGE HANNA

JUDGMENT

This matter was referred to United States Magistrate Judge Patrick J. Hanna for Report and Recommendation. After an independent review of the record and consideration of the objection filed, this Court concludes that the Report and Recommendation of the Magistrate Judge is correct and adopts the findings and conclusions therein as its own.

IT IS ORDERED, ADJUDGED AND DECREED that defendants' Rule 12(b)(1) Motion to Dismiss for Lack of Subject Matter Jurisdiction (Rec. Doc. 12) be **DENIED**.

Lafayette, Louisiana, this 31 day of August 2010.
JUDGE REBECCA F. DOHERTY