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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

EMILE LEVET, JR., ET AL	*	CIVIL NO. 6:15-2069
VERSUS	*	JUDGE DOHERTY
EXXON MOBIL CORP.	*	MAGISTRATE JUDGE WHITEHURST

JUDGMENT

This matter was referred to United States Magistrate Judge Carol B. Whitehurst 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.

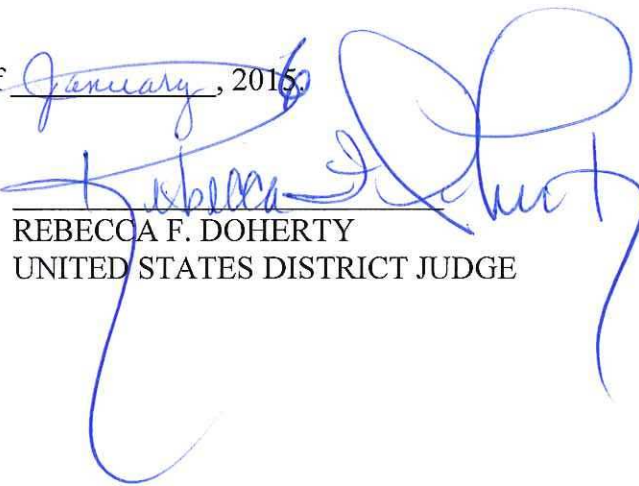
Accordingly, **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that Exxon Mobil Corporation's Motions to Dismiss [rec. doc. 8] is **GRANTED IN PART AND DENIED IN PART** as follows:

IT IS ORDERED that the Motion to Dismiss plaintiffs' claims for fraud and misrepresentation is hereby treated as a motion for more definite statement, and that plaintiffs are allowed leave to amend their complaint **within fifteen (15) days** regarding these claims;

IT IS FURTHER ORDERED that the Motion to Dismiss is **GRANTED** as to plaintiffs' claims for continuing trespass, continuing nuisance, premises liability under LA. CIV. CODE articles 2317 and 2322, breach of express lease terms, and claims under LA. CIV. CODE article 576 and 577, and these claims are hereby **DISMISSED WITH PREJUDICE**;

IT IS FURTHER ORDERED that plaintiffs' claims for punitive damages, continuing tort, rent under LA. CIV. CODE art. 2683(1), damages based upon LA. CIV. CODE art. 486 for civil fruits, and unjust enrichment, are **DISMISSED WITH PREJUDICE**.

Lafayette, Louisiana, this 7 day of January, 2015.



REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE