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OCT 27 2016

UNITED STATES DISTRICT COURT

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

WESTERN DISTRICT OF LOUISIANA

NORMAN M. HAMMER, ET AL.

\*CIVIL ACTION NO. 6:16-1048

VERSUS

\*JUDGE DOHERTY

PHI, INC., ET AL.

\*MAGISTRATE JUDGE HANNA

JUDGMENT

This matter was referred to United States Magistrate Judge Patrick J. Hanna for Report and Recommendation. No objections have been filed. The Court concludes that the Report and Recommendation of the magistrate judge is correct. Accordingly;

**IT IS ORDERED** that the Motion for Partial Dismissal filed by PHI, Inc. [rec. doc. 6] is **granted**. Accordingly, the plaintiffs' claim for negligent spoliation of evidence is **dismissed with prejudice** pursuant to Rule 12(b)(6), FRCP, for failure to state a claim upon which relief may be granted.

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

27<sup>th</sup> day of October, 2016.

  
REBECCA F. DOHERTY  
UNITED STATES DISTRICT JUDGE