

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

ROBERT B. OAKLEY, ET AL.

§

v.

§

CIVIL ACTION NO. 2:07-CV-351

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§

AIR PRODUCTS AND  
CHEMICALS, INC., ET AL.

§

§

**MEMORANDUM ORDER**

The above-titled and numbered civil action was heretofore referred to United States Magistrate Judge Chad Everingham pursuant to 28 U.S.C. § 636. The report of the Magistrate Judge, which contains his proposed findings of fact and recommendation for the disposition of the defendants' motions (Nos. 20 and 44) to dismiss for lack of subject matter jurisdiction and improper venue or, in the alternative, a motion to transfer venue, have been presented for consideration. The defendants have filed an objection to the report and recommendation. The undersigned has reviewed Judge Everingham's report and recommendation and the defendants' objections. The undersigned overrules the defendants' objections and adopts the findings and conclusions contained in Judge Everingham's report and recommendation. Accordingly, the court denies the defendants' motions (Nos. 20 and 44) to dismiss for lack of subject matter jurisdiction and improper venue or, in the alternative, a motion to transfer venue.

SIGNED this 29th day of September, 2008.



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T. JOHN WARD  
UNITED STATES DISTRICT JUDGE