

United States District Court  
Southern District of Texas

**ENTERED**

January 18, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

BRIAN TULLIS,

Plaintiff,

VS.

EXXONMOBIL CORPORATION,

Defendant.

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CIVIL ACTION NO. 2:22-CV-00192

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**


On December 2, 2022, United States Magistrate Judge Julie K. Hampton issued a “Memorandum and Recommendation” (M&R, D.E. 25). The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s M&R. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.

When no timely objection to a magistrate judge’s M&R is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s M&R. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Servs. Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s M&R (D.E. 25), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, ExxonMobil’s motion to dismiss (D.E. 7) is **DENIED**, ExxonMobil’s motion to stay (D.E. 8) is **GRANTED**, Tullis’s motion for discovery (D.E.

11) is **DENIED WITHOUT PREJUDICE**, and this case is **STAYED** pending the decision of the United States Supreme Court in *Hewitt v. Helix Energy Solutions, Inc.*, 15 F.4th 289 (5th Cir. 2021), *petition for cert. granted*, 2022 WL 1295708 (U.S. May 2, 2022) (No. 21-984).

ORDERED on January 18, 2023.

  
NELVA GONZALES RAMOS  
UNITED STATES DISTRICT JUDGE