

United States District Court
Southern District of Texas

ENTERED

January 12, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

IN RE: IN THE MATTER OF THE	§	
COMPLAINT OF MAERSK TANKERS,	§	
AS OWNER AND OPERATOR OF THE	§	
M/T CARLA MAERSK, FOR	§	
EXONERATION FROM OR	§	
LIMITATION OF LIABILITY, <i>et al</i> ,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. 3:15-CV-106
	§	
HOUSTON PILOTS, <i>et al</i> ,	§	
	§	
Defendants.	§	

**ORDER ADOPTING MAGISTRATE’S REPORT AND
RECOMMENDATION**

Pending before the Court is the Report and Recommendation of United States Magistrate Judge John Froeschner. Dkt. 192. On May 12, 2015, this case was referred to Judge Froeschner pursuant to 28 U.S.C. § 636(b)(1)(B). Dkt. 6. Pending before Judge Froeschner were Limitation Petitioner’s Motion and Memorandum for Summary Judgment Against Economic Damage Claimants (Dkt. 173) as well as the Claimants’ Responses (Dkts. 185, 187). The Motion sought dismissal of claims brought by the following claimants:

- Mac Metals Sales PA, Inc. (“Mac Metal”) (Dkts. 10, 11);
- Magellan Midstream Partners, L.P., Magellan Terminal Holdings, L.P., and Magellan Pipeline Company, L.P. (together, “Magellan”) (Dkt. 52); and
- Travelers Indemnity Company (“Travelers”) and Catlin Insurance Company, Inc. (“Catlin”) (Dkt. 55).

On June 17, 2016, Judge Froeschner filed a Report and Recommendation recommending that the Limitation Petitioner's Motion for Summary Judgment be denied as to claimants Mac Metal, Travelers, and Catlin. It further recommended that the motion for summary judgment be granted as to Magellan.

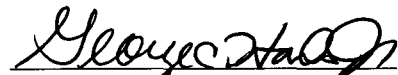
No objections have been filed to the Report and Recommendation. Accordingly, the Court reviews the Report and Recommendation for plain error on the face of the record. 28 U.S.C. § 636(b)(1); *see also*, FED. R. CIV. P. 72(b)(3).

Based on the pleadings, the record and the applicable law, the Court finds that there is no plain error apparent from the face of the record. Accordingly, it is hereby **ORDERED AND ADJUDGED** that:

- (1) Judge Froeschner Report and Recommendation is **APPROVED AND ADOPTED** in its entirety as the holding of the Court;
- (2) The Motion for Summary Judgment as to claimants Mac Metal, Travelers, and Catlin is **DENIED**; and
- (3) The Motion for Summary Judgment as to Magellan is **GRANTED**.

It is so **ORDERED**.

SIGNED on January 11, 2017 at Galveston, Texas.


George C. Hanks, Jr.
United States District Judge