

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 02-31013  
Summary Calendar

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DEE D DIBENEDETTO, Individually and on behalf of  
the minor children Brooke Vreeland, Brittany Vreeland,  
and Brett Vreeland,

Plaintiff-Appellant,

VERSUS

EXXON CORP, ET AL.

Defendants-Appellees.

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Appeal from the United States District Court  
for the Middle District of Louisiana  
(95-CV-634)

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March 12, 2003

Before BARKSDALE, DeMOSS and BENAVIDES, Circuit Judges.

PER CURIAM\*:

Dee Dibenedetto, Individually and in behalf of certain minor children (hereinafter called "Plaintiff") brought suit in state court against Exxon Corporation, et al. (hereinafter called "Defendants") seeking recovery for personal injuries she allegedly

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\*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

sustained while working as a security guard at Exxon's Baton Rouge Chemical Plant. Defendants timely removed the case to the United States District Court on the grounds of diversity of citizenship. Defendants then filed an answer asserting that Plaintiff was Exxon's statutory and special employee; and therefore the Plaintiff's sole remedy against the Defendants was workers compensation benefits under Louisiana law. Defendants filed a motion for summary judgment which was referred to the magistrate judge for report and recommendation. The magistrate filed a comprehensive nineteen page report which recommended that Defendants' Motion for Summary Judgment be granted because Plaintiff was Exxon's statutory employee and Plaintiff has no cause of action in tort against Exxon or the other Defendants. The federal district judge adopted the magistrate judge's report and entered final judgment in favor of Defendants. Plaintiff appeals.

We have carefully reviewed the briefs, the record excerpts and relevant portions of the record itself. For the reasons stated in the magistrate judge's report and recommendation filed August 2, 2002, we affirm the final judgment entered on August 28, 2002, which granted Defendants' Motion for Summary Judgment and dismissed Plaintiff's claim. AFFIRMED.