

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

PIRKKO ONVERVA KOPPERI and
MARIKA KOPPERI-GRONLUND,
Plaintiffs,

v.

SIKORSKY AIRCRAFT CORP., INC.;
HELICOPTER SUPPORT, INC.;
HR TEXTRON, INC.; and PLASMA
TECHNOLOGIES, INC.,
Defendants.

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3:08-cv-451 (WWE)

RULING ON OBJECTION TO RECOMMENDED RULING BY MAGISTRATE JUDGE

Now pending before the Court is plaintiffs' objection (Doc. #151) to the recommended ruling of Magistrate Judge Fitzsimmons dated September 2, 2009 (Doc. #148), which recommended that the Court grant defendants' motion to dismiss based on forum non conveniens (Doc. #60). Upon de novo review, the Court will deny plaintiff's objection and approve and adopt Magistrate Judge's Fitzsimmons recommended ruling.

BACKGROUND

In her recommended ruling, Magistrate Judge Fitzsimmons carefully and thoroughly stated the factual history of this case. The Court will not recount the facts here.

After Magistrate Judge Fitzsimmons issued her recommended ruling, plaintiffs filed a motion for reconsideration. Upon reconsideration, Magistrate Judge Fitzsimmons adhered to her previous decision (Doc. #176).

DISCUSSION

A magistrate judge's ruling on a dispositive matter is reviewed by the district judge de novo. 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b)(3). The court may adopt, reject or modify, in whole or in part, a magistrate judge's recommended ruling. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

The Court has reviewed the recommended ruling, plaintiffs' objection and the responses thereto. In reviewing the submissions, the Court agrees with Magistrate Judge Fitzsimmons' recommended ruling and its analysis. Therefore, the Court will overrule plaintiffs' objection.

The Court will slightly alter the conditions upon which it will grant defendants' motion. The conditions upon which this motion will be granted are as follows:

- Defendants consent to jurisdiction and to accept process in any suit plaintiffs file in Finland on claims that arise out of the facts of the instant suit;
- Defendants waive any statute of limitations defense that may be available to them in Finland that arose on or after the date of this lawsuit, provided that litigation is commenced in Finland within 120 days of the dismissal of this action in this Court and resolution by the Court of Appeals on appeal, if any;
- Defendants make available for discovery and for trial, at their own expense, any documents or witnesses, including retired employees, within their control that are needed for a fair adjudication of plaintiffs' claims;
- Defendants make available for discovery and for trial any evidence, including documents and witnesses, that plaintiffs could compel production of in this Court;
- Defendants will not act to prevent plaintiffs from returning to this Court if the Finnish courts decline to accept jurisdiction of this action, provided a motion to

reopen is filed in this Court within thirty days of the Finnish court's ruling;

- Defendants agree to pay any judgment awarded by the Finnish courts.

CONCLUSION

For the foregoing reasons, the recommended ruling of the Magistrate Judge (Doc. #148) is APPROVED and ADOPTED, defendants' motion to dismiss (Doc. #60) is GRANTED, plaintiffs' objection to the Magistrate Judge's recommended ruling (Doc. #151) is OVERRULED. In addition, in light of the conditions set forth above, the Court also DENIES as moot plaintiff's motion to toll the 120-day period (Doc. #178). The Clerk is instructed to close this case.

Dated at Bridgeport, Connecticut, this 28th day of September, 2010.

/s/
Warren W. Eginton
Senior United States District Judge