

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 06-3204

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Darrell L. Smeltzer; George R. Gutierrez,	*	
	*	
	*	
Plaintiffs-Appellants,	*	
	*	
Jon D. Watts,	*	
	*	
Plaintiff,	*	
	*	Appeal from the United States
v.	*	District Court for the District of
	*	Minnesota.
Medtox Laboratories, Inc., a	*	
Delaware corporation; Burlington	*	[UNPUBLISHED]
Northern Santa Fe Railroad	*	
Company, a Delaware corporation,	*	
	*	
Defendants-Appellees.	*	

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Submitted: May 18, 2007  
Filed: June 13, 2007

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Before BYE, BEAM, and SMITH, Circuit Judges.

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PER CURIAM.

Darrell Smeltzer and George Gutierrez appeal the district court's<sup>1</sup> adverse grant of summary judgment in their negligence action brought against Medtox Laboratories, Inc. and Burlington Northern Santa Fe Railroad Company. Having carefully reviewed the record and the parties' submissions on appeal, we agree summary judgment was proper for the reasons stated by the district court. See Sallis v. Univ. of Minn., 408 F.3d 470, 474 (8th Cir. 2005) (de novo review). Accordingly, we affirm. See 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Richard H. Kyle, United States District Judge for the District of Minnesota.