

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>THE NORTHERN ASSURANCE</b>	)	
<b>COMPANY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL ACTION NO. 09-0030-CG-M</b>
	)	
<b>BMC DREDGE, INC., et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

This matter is before the court on defendant BMC Dredge, Inc.’s motion to dismiss the cross claim filed by Millard Refrigerated Services, Inc. (“Millard”). (Doc. 40) In light of Millard’s response (Doc. 47), requesting that its cross-claim against BMC Dredge, Inc. be dismissed without prejudice, the motion to dismiss is **GRANTED** in part, and said cross-claim is hereby **DISMISSED** without prejudice.

**DONE and ORDERED** this 28<sup>th</sup> day of April, 2009.

/s/ Callie V. S. Granade  
\_\_\_\_\_  
CHIEF UNITED STATES DISTRICT JUDGE