

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

COTTON BAYOU MARINA, INC., d/b/a
Tacky Jack’s Restaurant; indiidually and on
behalf of themselves and all others similarly
situated,

Plaintiff,

v.

BP, PLC, et al.,

Defendants.

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CV-10-00243-WS-C

**MOTION OF DEFENDANT CAMERON INTERNATIONAL
CORPORATION TO DISMISS FOR FAILURE TO STATE A CLAIM**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and the Oil Pollution Act of 1990, 33 U.S.C. § 2701 et seq. (“OPA”), Defendant Cameron International Corporation (“Cameron”) moves for an order dismissing the Class Action Complaint in this case (hereinafter the “Complaint”) for failure to state a claim upon which relief can be granted against Cameron, for two independent reasons. See Compl.; [Doc. 1] First, the claims asserted against Cameron in the Complaint should be dismissed without prejudice because they are not permitted by the comprehensive and exclusive claims payment system established by the OPA. Second, the claims asserted against Cameron in the Complaint should be dismissed with prejudice because the allegations of the Complaint fail to state a claim upon which relief may be granted against Cameron under the pleading requirements established by the Supreme Court in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) and *Ashcroft v. Iqbal*, 129 S. Ct. 1937 (2009).

The grounds for this motion are set out in detail in the accompanying supporting brief.

WHEREFORE, Defendant Cameron International Corporation respectfully prays for an order dismissing the Complaint in this action.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I have on July 6, 2010 electronically filed the foregoing pleading with the Clerk of Court using the CM/ECF System which will automatically serve the same via electronic mail or by placing same in the United States mail, properly addressed, first class postage prepaid to the following:

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