

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

COTTON BAYOU MARINA, INC.)	
d/b/a TACKY JACK’S RESTAURANT, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Civil Action No. 1:10-cv-00243-WS-C
)	
BP, plc, et al.,)	
)	
Defendants.)	

**HALLIBURTON ENERGY SERVICES, INC.’S
MOTION TO DISMISS OR, IN THE ALTERNATIVE,
FOR MORE DEFINITE STATEMENT**

Defendant, Halliburton Energy Services, Inc. (“HESI”), pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure and for the reasons more fully stated in the memorandum in support filed contemporaneously herewith, moves the Court to enter an order dismissing all claims asserted against HESI in the Class Action Complaint (“Complaint”) on the grounds that the Court lacks subject matter jurisdiction over this case and that some or all of the counts alleged against HESI fail to state a claim upon which relief can be granted.

In the alternative, pursuant to Rule 12(e) of the Federal Rules of Civil Procedure and for the reasons more fully stated in the memorandum in support filed contemporaneously herewith, HESI moves the Court to enter an order requiring Plaintiff to state the claims alleged against HESI in a more definite and less vague and ambiguous manner, within fourteen (14) days of entry of the order. The Complaint fails to aver with sufficient particularity any factual statements demonstrating Plaintiff’s plausible entitlement to relief, including but not limited to

any facts showing that HESI violated any duty to Plaintiff, that any HESI wrongdoing proximately caused Plaintiff's alleged damages, and the specific damages HESI allegedly caused.

Respectfully submitted this 6th day of July, 2010.

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**ATTORNEYS FOR DEFENDANT,
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CERTIFICATE OF SERVICE

I hereby certify that I have on this 6th day of July, 2010, a copy of the foregoing pleading was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record registered to receive electronic service by operation of the court's electronic filing system. I also certify that I have mailed this filing by United States Postal Service to all counsel of record who are not registered to receive electronic service by operation of the court's electronic filing system.

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