

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

**MARC E. OLIVER, d/b/a GULF COAST ENVIRONMENTAL AND RECOVERY, and T.M. JEMISON CONSTRUCTION CO. INC. d/b/a JEMISON MARINE, INC.,**  
Plaintiffs, : **CA 11-0223-KD-C**

**MIDSOUTH BANK, N.A.,**  
Plaintiff/Counter-Defendant : **IN ADMIRALTY  
In Personam and In Rem**

vs. :

**M/V BARBARY COAST, her engines, tackle, furniture, and appurtenances, etc., In Rem, and RODD CAIRNS, an individual, and ATCHAFALAYA MARINE, LLC, In personam,**  
Defendants/Counter-Plaintiffs/  
Third-Party Plaintiffs, :

vs. :

**EAGLE RIVER TOWING, L.L.C., p/k/a or a/k/a EAGLE INLAND TOWING, NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA, LOUISIANA LIMESTONE & LOGISTICS, L.L.C., and CURTIS BUFORD,**  
Third-Party Defendants. :

**ORDER**

This matter is before the Court on a “Motion to Dismiss Claims With Prejudice” filed by Plaintiff Marc E. Oliver d/b/a Gulf Coast Environmental and Recovery, LLC, and filed with consent of all the parties. (Doc. 241).

As grounds, Plaintiff Marc E. Oliver d/b/a Gulf Coast Environmental and Recovery, LLC asserts that its claims and/or counterclaims against individual Defendant Rodd Cairns, Defendant

Atchafalaya Marine, LLC and Defendant Midsouth Bank, N.A., have been resolved such that dismissal with prejudice of same is proper with each party to bear its own costs and attorneys' fees. (Id.)

The motion is construed as Rule 41(a)(2) voluntary motion to dismiss "at the plaintiff's request only by court order, on terms that the court considers proper[]," given that the motion is not signed by all parties to this case, is not a joint stipulation, and the opposing parties have already served answers.

Upon consideration, it is **ORDERED** that the "Motion to Dismiss Claims With Prejudice" filed by Plaintiff Marc E. Oliver d/b/a Gulf Coast Environmental and Recovery, LLC (Doc. 241) is **GRANTED** such that Plaintiff Marc E. Oliver d/b/a Gulf Coast Environmental and Recovery, LLC's claims and/or counterclaims against individual Defendant Rodd Cairns, Defendant Atchafalaya Marine, LLC and Defendant Midsouth Bank, N.A., are hereby **DISMISSED with prejudice** with each party to bear his or its own costs and attorney's fees.

**DONE and ORDERED** this the 26<sup>th</sup> day of **June 2012**.

/s/ Kristi K. DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**