

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

FRATELLI COSULICH UNIPESOAL,)
S.A. f/k/a FRATELLI COSULICH)
CONSULTADORIA E PARTICIPACOES)
UNIPESOAL, LDA,)
Plaintiff,)
v.)
SPECIALTY FUELS BUNKERING, LLC,)
et al.,)
Defendants.)

CIVIL ACTION NO. 13-00545-KD-C

ORDER

After due and proper consideration of the issues raised, and a *de novo* determination of those portions of the recommendation to which objection is made,¹ the recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated June 4, 2015, is **ADOPTED** as the opinion of this Court. Accordingly, it is **ORDERED** that:

- 1) the motion to dismiss filed by Defendant Bunkers International Corp. (Doc. 65) is **DENIED**.
- 2) the motion to dismiss filed by Defendant Specialty Fuels BTU, LLC and Defendant F. Javier Brito (Doc. 67) is **GRANTED in part** and **DENIED in part** as follows: **GRANTED** as to Plaintiff's fraud in insolvency claim (Count VII) which is **DISMISED WITH PREJUDICE** for failure to state a claim, and **DENIED** in all other respects.

DONE and ORDERED this the **1st day of July 2015**.

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

¹ (Docs. 77, 78). And including the response to the Objections filed by Plaintiff. (Doc. 86).