

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

SILVER SHIPS, INC.,)	
)	
Plaintiff/Counter-Defendant,)	
)	
vs.)	CIVIL ACTION NO. 17-0404-CG-N
)	
LOUIS T. CODEGA, P.E., <u>et al.</u>,)	
)	
Defendants/Counterclaimant.)	

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, the Report and Recommendations of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B)-(C), Federal Rule of Civil Procedure 72(b), and S.D. Ala. GenLR 72(a)(2)(S), and dated October 19, 2017, is **ADOPTED** as the opinion of this Court.

Accordingly, as to the motion to dismiss under Federal Rule of Civil Procedure 12(b)(6) (Doc. 2) filed by Defendants/Counterclaimants Louis T. Codega, P.E. (“Codega”) and Louis T. Codega, Naval Architects, P.C. (“LTCNA, P.C.”) (collectively, “the Defendants”), it is **ORDERED** as follows:

1. The Court construes the response (Doc. 10) of Plaintiff Silver Ships, Inc. as an unopposed motion to voluntarily dismiss its complaint with prejudice as to LTCNA, P.C. under Federal Rule of Civil Procedure 41(a)(2), **GRANTS** said Rule 41(a)(2) motion, and **DISMISSES with prejudice** Silver Ships’ complaint against LTCNA, P.C.

2. The Court accordingly finds the Defendants' Rule 12(b)(6) motion (Doc. 2) **MOOT** as to LTCNA, P.C.
3. The Defendants' Rule 12(b)(6) motion (Doc. 2) is **GRANTED** as to Codega, and the claims against him in Counts I and III are **DISMISSED with prejudice**.

DONE and ORDERED this 16th day of November, 2017.

/s/ Callie V. S. Granade
SENIOR UNITED STATES DISTRICT JUDGE