

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION**

MID-AMERICA FOUNDATION SUPPLY )  
INC. d/b/a/ POSEIDON BARGE, )  
 )  
Plaintiff, )

v. )

CAUSE NO.: 1:12-CV-328-TLS

KONGA MARINE LOGISTICS, LLC, )  
et al. )  
 )  
Defendants. )

v. )

ABYSS MARITIME, INC., et al. )  
 )  
Third-Party Defendants. )

**OPINION AND ORDER**

The Plaintiff, Mid-America Foundation Supply, Inc., filed suit against Konga Marine Logistics, LLC (“Konga”), Al Malins Insurance Inc., and Chuck Hahn. Konga then filed an Amended Answer and Third Party Complaint [ECF No. 22] against Third Party Defendants Abyss Maritime, Inc. (“Abyss”), Atlantic Specialty Insurance (“Atlantic”), and Certain Underwriters at Lloyd’s London (“Lloyd’s”). Konga’s Amended Answer also contained cross-claims against Al Malins Insurance Inc. and Chuck Hahn. On September 17, 2014, the Court issued an Opinion and Order [ECF No. 133] granting a request to dismiss the claims in Konga’s Third Party Complaint against Abyss with prejudice.

This matter is before the Court on a Joint Stipulation of Dismissal [ECF No. 138], filed on January 2, 2015. The parties stipulate and agree that all claims by the Plaintiff against the

Defendants, as well as Konga's cross-claims against Al Malins Insurance Inc. and Chuck Hahn, can be dismissed with prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(2).

The Court GRANTS the request [ECF No. 138] and DISMISSES WITH PREJUDICE the Plaintiff's claims against the Defendants, as well as Konga's cross-claims against Al Malins Insurance Inc. and Chuck Hahn. Konga's Third Party Complaint against Atlantic and Lloyed's remains pending.

SO ORDERED on January 5, 2015.

s/ Theresa L. Springmann  
THERESA L. SPRINGMANN  
UNITED STATES DISTRICT COURT