

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

CROSBY TUGS, L.L.C.

CIVIL ACTION

VERSUS

NO. 12-0785

LARRY MOBLEY

SECTION "N"(1)

ORDER AND REASONS

Before the Court is defendant's "Motion to Dismiss Complaint for Declaratory Judgment" (Rec. Doc. 12). The plaintiff has filed a memorandum in opposition thereto (Rec. Doc. 14).

This Court's earlier finding as to three of the *Trejo* factors (the first, fourth, and sixth) rested explicitly on the fact that there was no state court claim pending. *See* Rec. Doc. 9 at pages 5, 9 and 10. Now that Larry Mobley has filed a Jones Act claim in state court (*see* Rec. Doc. 12-1), the Court finds that the *Trejo* analysis, taken as a whole, weighs in favor of dismissing the declaratory judgment action. Accordingly,

IT IS ORDERED that the defendant's motion to dismiss (**Rec. Doc. 12**) is hereby **GRANTED**, and this case is hereby **DISMISSED WITHOUT PREJUDICE**.

New Orleans, Louisiana, this 23rd day of January, 2013.



KURT D. ENGELHARDT
United States District Judge