

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ESSEX INSURANCE COMPANY,

Plaintiff,

vs.

DETROIT BULK STORAGE, INC.,
THE MORTON SALT COMPANY,
UNITED STATES STEEL CORP.,
and PRAXAIR, INC.,

Defendants.

Case No. 11-cv-13277

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

OPINION AND ORDER
GRANTING DEFENDANT UNITED STATES STEEL CORP.'S MOTION FOR
VOLUNTARY DISMISSAL OF ITS CROSS-CLAIM AGAINST DETROIT BULK
STORAGE, INC. (Dkt No. 119)

The Court has before it a motion for voluntary dismissal filed by Defendant United States Steel Corporation (“US Steel”) on January 14, 2013 (Dkt. No. 119). No response has been filed to the motion, nor has any opposition to the motion been expressed by any of the parties in this matter. The time to file a response has passed.

Defendant US Steel seeks to voluntarily dismiss its cross-claim against Defendant Detroit Bulk Storage, Inc. (“DBS”), pursuant to Federal Rule of Civil Procedure 41(a)(2). Rule 41(a)(2) provides that “an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.” Fed. R. Civ. P. 41(a)(2). Dismissal of a claim under this rule is within the Court’s discretion. *Commodities Export Co. v. Detroit Intern. Bridge Co.*, 695 F.3d 518, 530 (6th Cir. 2012).

In its motion, Defendant U.S. Steel states that it has intervened in an underlying state court

action against Defendant DBS. Defendant U.S. Steel states that the claims asserted against Defendant DBS in the state court action, and the claims asserted in its cross-claim against Defendant DBS in this action, are largely the same. Defendant U.S. Steel thus seeks to voluntarily dismiss its cross-claim in the interests of judicial economy. As noted above, Defendant DBS has not responded to Defendant U.S. Steel's request, or otherwise indicated any opposition to the motion.

The Court agrees that litigating Defendant U.S. Steel's claims against Defendant DBS concurrently in state and federal court is an inefficient use of judicial resources. Accordingly, the Court will **GRANT** Defendant U.S. Steel's motion and **DISMISS** Defendant U.S. Steel's cross-claim against Defendant DBS.

SO ORDERED



PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: 4-8-13