

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

## **MEMORANDUM AND ORDER**

This matter is before the Court on Defendant's Motion to Dismiss. [ECF No. 21] Plaintiff filed its response to Defendant's motion, stating that because Defendant has expressed an intent to pursue a state court claim in which issues regarding Plaintiff's obligation to pay maintenance and cure can be litigated, it does not oppose Defendant's motion to dismiss. (Doc. No. 23)

Accordingly,

**IT IS HEREBY ORDERED** that Defendant's Motion to Dismiss [21] is **GRANTED**. A separate Order of Dismissal accompanies this Memorandum and Order.

Dated this 28th day of February, 2013.

  
John A. Ross  
UNITED STATES DISTRICT JUDGE