## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO EASTERN DIVISION

NATIONWIDE LIFE AND ANNUITY INSURANCE COMPANY,

Plaintiff,

vs.

Civil Action 2:12-cv-213
Judge Smith
Magistrate Judge King

EDMOND GOLDEN, et al.,

Defendants.

## ORDER

On January 7, 2013, the United States Magistrate Judge issued a Report and Recommendation recommending that defendants' motions to dismiss be denied and that this action be transferred, pursuant to §§ 1404(a) and 1406(a), to the United States District Court for the Southern District of California. Order and Report and Recommendation, Doc. No. 35. The parties were specifically advised of their right to object to the Report and Recommendation and of the consequences of their failure to do so. There has nevertheless been no objection to the Report and Recommendation.

The Report and Recommendation is hereby ADOPTED and AFFIRMED.

The motions to dismiss, Doc. Nos. 13 and 14, are DENIED. This case is

TRANSFERRED to the United States District Court for the Southern

District of California.

s/George C. Smith\_\_\_\_

George C. Smith, Judge United States District Court