

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
SENIOR JUDGE WALKER D. MILLER

Civil Action No. 08-cv-00091-WDM-CBS

WAYNE WATSON and  
MARY WATSON,

Plaintiffs,

v.

DILLON COMPANIES, INC., d/b/a/ KING SOOPERS, also d/b/a INTER-AMERICAN  
PRODUCTS, INC., et al.,

Defendants,

and

FLAVOR CONCEPTS, INC.,

Third Party Plaintiff,

v.

BRIDGEPOINT SYSTEMS, INC.  
CARPET TECHNOLOGIES, INC., n/k/a CHEMICAL TECHNOLOGIES  
INTERNATIONAL, INC.,  
JOHN DOE DEFENDANTS 1-10,  
CENTROME, INC., d/b/a ADVANCED BIOTECH,  
BERJE, INC.,  
CITRUS & ALLIED ESSENCES, LTD.,  
O'LAUGHLIN INDUSTRIES, INC., and  
POLAROME INTERNATIONAL, INC.,

Third Party Defendants.

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**ORDER ON MOTION TO DISMISS**

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Miller, J.

This matter is before me on the Motions to Dismiss (doc nos 312, 320, and 322)

filed by Third Party Defendants Polarome International, Inc. (“Polarome”), O’Laughlin Industries, Inc. (“O’Laughlin”), and Centrome, Inc., d/b/a Advanced Biotech (“Centrome”) (collectively “Suppliers”). Suppliers seek dismissal of the Amended Complaint (doc no 295) filed by Third Party Plaintiff Flavor Concepts, Inc. (“Flavor Concepts”). Suppliers assert that they lack sufficient minimum contacts with the state of Colorado and, therefore, personal jurisdiction does not exist. The motions are opposed by Flavor Concepts.

The background of this case and of the Suppliers’ previous contacts with the state are set forth in my previously issued Order on Motion to Dismiss (doc no 439), filed October 9, 2009. In my October 9, 2009 Order, I analyzed motions to dismiss for lack of jurisdiction filed by these same Third Party Defendants against claims asserted by Third Party Plaintiff FONA International, Inc. I determined that these Suppliers either did not have sufficient minimum contacts with Colorado to establish personal jurisdiction, or that due process concerns prevent me from exercising jurisdiction where jurisdiction might exist. Flavor Concepts asserts the same facts and arguments in favor of jurisdiction that I rejected in my previous order regarding these Defendants. Therefore, for the same reasons as set forth in my October 9, 2009 Order on Motion to Dismiss (doc no 439), I will grant the motions.

Accordingly, it is ordered:

1. Motions to Dismiss (doc nos 312, 320, and 322) filed by Third Party Defendants Polarome International, Inc., O’Laughlin Industries, Inc., and Centrome, Inc., d/b/a Advanced Biotech are granted.
2. The claims against these third party defendants are dismissed without

prejudice for lack of jurisdiction.

DATED at Denver, Colorado, on October 14, 2009.

BY THE COURT:

s/ Walker D. Miller  
United States Senior District Judge