

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 09-cv-01577-CMA-KMT

ARROW ELECTRONICS, INC., a New York corporation,,

Plaintiff,

v.

AC TECHNOLOGY, INC.,
EARLE D. MUNNS, JR., and
MICHAEL ANDREW BYRD,

Defendants.

ORDER GRANTING DEFENDANTS' MOTIONS TO DISMISS

This matter comes before the Court on Defendant Munns's "Motion to Dismiss Due to Lack of Personal Jurisdiction" (Doc. # 35) and Defendant Byrd's "Motion to Dismiss Due to Lack of Personal Jurisdiction, or in the Alternative, to Quash Service Based Upon insufficiency of Service of Process" (Doc. # 37).

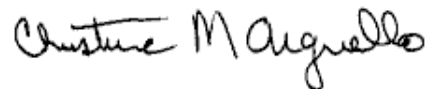
In its response to these motions, Plaintiff concedes that the District of Colorado is not a proper venue – presumably because the Court lacks personal jurisdiction over Defendants – and writes that: "in the interests of justice, this matter should be transferred to the United States District Court for the Eastern District of Virginia

pursuant to 28 U.S.C. § 1406(a).”¹ In the alternative, Plaintiff prays that the case be dismissed without prejudice so that Plaintiff can pursue it in Virginia.²

Given Plaintiff’s concessions, the Court finds that it does not have personal jurisdiction over Defendants³ and thus GRANTS Defendants’ motions to dismiss. (Doc. ## 35, 37). This case is DISMISSED WITHOUT PREJUDICE.

DATED: May 11, 2010

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge

¹ (See Doc. # 40 at 3-4, 6-7; Doc. # 41 at 3-4, at 6-7.)

² Plaintiff requests this relief not in its own motion but, rather, in response to Defendants’ motions. This is in contravention of Local Rule 7.1(C), which states that “[a] motion shall not be included in a response or reply to the original motion. A motion shall be made in a separate paper.” D.C.COLO.LCivR 7.1(C).

³ Although Defendant AC Technology, Inc., did not file a motion to dismiss, Plaintiff’s concessions regarding jurisdiction and venue extended to all three Defendants. Accordingly, the Court’s finding extends to all three Defendants, including AC Technology.