

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 10-cv-01881-REB-MJW

GREG SHRADER,

Plaintiff,

v.

DR. ALAN BIDDINGER,
EARIK BEANN,
WAVE 59 TECHNOLOGIES INT'L INC., owners and officers,
WILLIAM BRADSTREET STEWART,
INSTITUTE OF COSMOLOGICAL ECONOMICS, and
SACRED SCIENCE INSTITUTE,

Defendants.

**ORDER REJECTING RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Blackburn, J.

The matter before me is the magistrate judge's **Recommendation on (1) Motion of Defendants Wave 59 Technologies Int'l, Inc., and Earik Beann To Close Matter Administratively or, in the Alternative, To Stay Proceedings (Docket No. 34) and (2) Defendant Biddinger's Motion To Dismiss Plaintiff's Complaint for Lack of Personal Jurisdiction and Failure To State a Claim and for Sanctions and Attorneys' [sic] Fees (Docket No. 7) [#66]**¹ filed February 10, 2011. The magistrate judge recommends that this case be closed administratively pending a ruling by the United States Court of Appeals for the Tenth Circuit in a related case filed by plaintiff in Oklahoma.

Although no objections to the recommendation were filed within the time allowed by law, the day after the deadline elapsed, the court received notice from the parties that the Tenth

¹ "[#66]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's electronic case filing and management system (CM/ECF). I use this convention throughout this order.

Circuit had issued its ruling in the Oklahoma case. (**Notice of Decision in Related Case** [#72] filed March 1, 2011.) Thus, it appears that the recommendation to grant the motion to stay on the basis of the pendency of the Tenth Circuit appeal is moot. This development also makes defendant Biddinger's motion to dismiss viable and ready for determination.

Accordingly, I respectfully reject the recommendation to grant the motion to stay and re-refer the motion to dismiss for lack of personal jurisdiction to the magistrate judge for further consideration.

THEREFORE IT IS ORDERED as follows

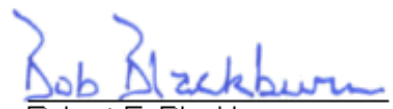
1. That the **Recommendation of United States Magistrate Judge and Order** [#66] filed January 20, 2011, is respectfully **REJECTED** as moot;

2. That the **Motion of Defendants Wave 59 Technologies Int'l, Inc., and Earik Beann To Close Matter Administratively or, in the Alternative, To Stay Proceedings** [#34], filed December 3, 2010, is **DENIED AS MOOT**;

3. That **Defendant Biddinger's Motion To Dismiss Plaintiff's Complaint for Lack of Personal Jurisdiction and Failure To State a Claim and for Sanctions and Attorneys' [sic] Fees** [#7], filed October 6, 2010, is **REFERRED** to the magistrate judge for further findings.

Dated March 8, 2011, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge