

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01745-REB-KMT

CHUN CHEE SENG,

Plaintiff,

v.

AMERICAN INVESTMENTS, LLC,
MARGARET V. ANDERSON-CLARKE,
ANDERSON-CLARKE LAW,
BRIAN D. WEST, and
WEST LAW GROUP, P.C.,

Defendants.

MINUTE ORDER

ORDER ENTERED BY MAGISTRATE JUDGE KATHLEEN M. TAFOYA

“Defendants Brian D. West and the West Law Group, P.C.[’s] Motion to Dismiss Complaint Pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(6) or Alternatively for Said Motion to Be Treated as a Motion for Summary Judgment Pursuant to Fed. R. Civ. P. 56” (Doc. No. 65) and “Defendant Americana Investments, LLC[’s] Motion to Dismiss Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) or Alternatively for Said Motion to Be Treated as a Motion for Partial Summary Judgment Pursuant to Fed. R. Civ. P. 56” (Doc. No. 66) are **DENIED**. The motions contain no new substantive material. Moreover, because the exhibits referenced in the motions to dismiss are attached to the Complaint, the court may consider them. *Hall v. Bellmon*, 935 F.2d 1106, 1112 (10th Cir. 1991) (written documents attached to the complaint are exhibits and are considered part of the complaint for consideration in a rule 12(b)(6) dismissal). Finally, as to the West Defendants’ Motion to Dismiss, it is well settled that the court may consider affidavits and other written materials in resolving a motion to dismiss for lack of personal jurisdiction. *See, e.g., Bell Helicopter Textron, Inc. v. Heliquest Int’l, Ltd.*, 385 F.3d 1291, 1295–96 (10th Cir. 2004) (court may consider evidence consisting of affidavits and other written materials on motion to dismiss for lack of personal jurisdiction).

Dated: July 28, 2014