

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

Civil Action No. 13-cv-03423-REB-MJW

INTERSTATE RESTORATION, LLC,

Plaintiff,

v.

WILSON ASSOCIATES,

Defendant.

**ORDER ADOPTING RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE**

Blackburn, J.

The matter before me is the magistrate judge's **Recommendation on Defendant's Motion To Dismiss** [#17],¹ filed March 17, 2014. No objections having been filed to the recommendation, I review it only for plain error. **See *Morales-Fernandez v. Immigration & Naturalization Service***, 418 F.3d 1116, 1122 (10th Cir. 2005).

Finding no error, much less plain error, in the magistrate judge's recommended disposition, I find and conclude that recommendation should be approved and adopted. The decision of the New Jersey Superior Court that no enforceable contract was entered into between the parties clearly is entitled to preclusive effect, thereby vitiating plaintiff's argument that defendant is subject to personal jurisdiction in Colorado based

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

on the forum selection clause of that alleged contract. Because plaintiff does not allege that defendant otherwise has minimum contacts with this state, personal jurisdiction is lacking.

THEREFORE, IT IS ORDERED as follows:

1. That the magistrate judge's **Recommendation on Defendant's Motion To Dismiss** [#17], filed March 17, 2014, is **APPROVED AND ADOPTED** as an order of this court;

2. That **Defendant's Motion To Dismiss** [#7], filed December 24, 2013, is **GRANTED**;

3. That **Defendant's Motion To Stay** [#8], filed December 24, 2013, is **DENIED AS MOOT**;

4. That plaintiff's claims are **DISMISSED WITHOUT PREJUDICE** for lack of personal jurisdiction in this forum; and

5. That judgment without prejudice **SHALL ENTER** on behalf of defendant, Wilson Associates, against plaintiff, Interstate Restoration, LLC, on all claims for relief and causes of action asserted in this action.

Dated April 8, 2014, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge