

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02157-MEH

TERRY STRUTHERS, and
DATASOURCE CORPORATION,

Plaintiffs,

v.

TODD BEITLER, and
REAL ESTATE INFORMATION SERVICES, INC.,

Defendants.

ORDER TRANSFERRING CASE

Michael E. Hegarty, United States Magistrate Judge.

This matter comes before the Court *sua sponte*. On December 10, 2015, I granted a stay in this case so that the claims could be pursued in a case involving the same parties and essentially the same claims, which had been filed in United States District Court for the Southern District of Florida. *See* docket #33. After my Order was issued, the Florida court, the Hon. Donald M. Middlebrooks, issued an Order finding the District of Colorado should determine the effect of the first-filed rule and, more specifically, the application of the anticipatory judgment exception. *See generally* docket #34-1. For that reason, Judge Middlebrooks transferred his case to Colorado, and it was assigned to the Hon. Raymond P. Moore [*see* 15-cv-02685-RM-MJW].

Having now reviewed the Florida Order and Judge Moore's Order transferring that case back to Florida, and having again considered the interests of justice, I continue to find the anticipatory judgment exception to the first-filed rule applies for the same reasons explained in my December 10, 2015 Order [*see* docket #33]. I further find that in light of the opinions of my two judicial

colleagues, both cases should be in the same District.

Thus, the Clerk of Court is directed to lift the stay and transfer case number 15-cv-02157-MEH to the United States District Court for the District of Florida.

Entered and dated at Denver, Colorado, this 21st day of December, 2015.

BY THE COURT:

A handwritten signature in black ink, reading "Michael E. Hegarty". The signature is written in a cursive style with a large, looped initial "M".

Michael E. Hegarty
United States Magistrate Judge