

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

JOSEPH R. TOMELLERI,)
)
Plaintiff- Judgment Creditor,)
)
 v.)
)
QUICK DRAW, INC.,)
)
Defendant-Judgment Debtor,)
)
 v.)
)
ST. PAUL FIRE AND MARINE)
INSURANCE COMPANY and)
)
TRISURA GUARANTEE INSURANCE)
COMPANY,)
)
Garnishees.)

Case No. 14-2441-CM

ORDER ADOPTING REPORT AND RECOMMENDATION

This case is before the court on Garnishee Trisura Guarantee Insurance Company’s Motion to Dismiss or, in the Alternative, to Quash Writ of Garnishment (Doc. 51). On February 8, 2017, Judge James P. O’Hara issued a Report and Recommendation thoroughly analyzing whether the court has personal jurisdiction over Trisura and concluding that it does not. The time to object to Judge O’Hara’s Report and Recommendation has passed, and no objection has been filed. The court agrees with Judge O’Hara’s analysis and conclusion, and therefore adopts the Report and Recommendation in its entirety. Trisura is dismissed from the case for lack of personal jurisdiction.

IT IS THEREFORE ORDERED that the Report and Recommendation of Judge O’Hara (Doc. 75) is adopted.

IT IS FURTHER ORDERED that Garnishee Trisura Guarantee Insurance Company's Motion to Dismiss or, in the Alternative, to Quash Writ of Garnishment (Doc. 51) is granted

IT IS FURTHER ORDERED that Garnishee Trisura Guarantee Insurance Company is dismissed from the case.

Dated this 23rd day of February, 2017, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge