

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Clim-A-Tech Industries, Inc.,

Civil No. 14-1496 (MJD/SER)

Plaintiff,

v.

ORDER

William A. Ebert and Sunwest Supply, Inc.,

Defendants.

Gerald E. Helget, Michael M. Sawers, and Kristine M. Boylan, Esqs., Briggs & Morgan, PA, 80 South 8th Street, Suite 2200, Minneapolis, Minnesota 55402, for Plaintiff.

Lisa Anne Smith, Peter B. Goldman, and Shijie Feng, Esqs., DeConcini McDonald Yetwin & Lacy, P.C., 2525 East Broadway Boulevard, Suite 200, Tucson, Arizona 85716, for Defendants.

Johnathan R. Maddox, Henson & Efron, PA, 220 South 6th Street, Suite 1800, Minneapolis, Minnesota 55402, for Defendants.

The above-entitled matter comes before the Court on the Report and Recommendation of United States Magistrate Judge Steven E. Rau, dated April 22, 2015 [Docket No. 29]. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendants William A. Ebert and Sunwest Supply, Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction and Subject Matter Jurisdiction and Motion in the Alternative to Transfer Venue [Doc. No. 15] is **GRANTED** to the extent Defendants seek dismissal for lack of personal jurisdiction and **DENIED as moot** in all other respects.

2. Plaintiff Clim-A-Tech Industries, Inc.'s Amended Declaratory Judgment Complaint [Doc. No. 8] is **DISMISSED without prejudice**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 11, 2015

s/Michael J. Davis
Michael J. Davis
Chief Judge
United States District Court