

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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EAST COAST TEST PREP LLC and  
MARK OLYNYK,

Civil No. 15-3705 (JRT/SER)

Plaintiffs,

v.

**MEMORANDUM OPINION  
AND ORDER**

ALLNURSES.COM, INC., DAVID R. SMITS,  
LISA DUKES, JENNIFER MOELLER,  
UHURA RUSS, ABC COMPANIES, and  
JOHN DOES,

Defendants.

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Richard L. Ravin, **HARTMAN & WINNICKI, P.C.**, 74 Passaic Street, Ridgewood, NJ 07450; Robert A. Lengeling and Thomas M. Beito, **BEITO & LENGELING, PA**, 310 Fourth Avenue South, Suite 1050, Minneapolis, MN 55415; and Charles S. Kramer and Paul A. Grote, **RIEZMAN BERGER, P.C.**, 7700 Bonhomme Avenue, Seventh Floor, St. Louis, MO 63105, for plaintiffs.

Justin Taylor Quinn and Keith John Miller, **ROBINSON MILLER LLC**, One Newark Center, 19<sup>th</sup> Floor, Newark, NJ 07102, and James J. Kretsch, Jr. and John D. Reddall, **KRETSCH LAW OFFICE, PLLC**, 17850 Kenwood Trail, Suite 219, Lakeville, MN 55044, for defendants Allnurses.com, Inc. and David R. Smits.

A Report and Recommendation was filed by United States Magistrate Judge Steven E. Rau, dated May 22, 2017 [Docket No. 336]. 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, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge. **IT IS HEREBY ORDERED** that:

1. LadyFree28's Motion for Dismissal of Claim [Docket No. 188] is **DENIED as moot;**
2. Plaintiffs' Motion to Dismiss Counterclaim of LadyFree28 [Docket No. 238] is **DENIED without prejudice;**
3. LadyFree28's Motion for Dismissal of Third Amended Complaint for Civil Case No. 15-cv-03705-JRT-SER [Docket No. 291] is **DENIED without prejudice;** and
4. Jennifer Moeller's Motion for Dismissal Based on Lack of Personal Jurisdiction [Docket No. 320] is **DENIED without prejudice.**

Dated: June 6, 2017  
at Minneapolis, Minnesota

s/John R. Tunheim  
JOHN R. TUNHEIM  
Chief Judge  
United States District Court

