

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MINNESOTA**

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SCOTT SMITH,

Plaintiff,

Civil No. 16-2735 (JRT/KMM)

v.

GENEVA PROPERTIES LP,

Defendant.

**ORDER ON REPORT  
AND RECOMMENDATION**

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Padraigin Browne, **BROWNE LAW LLC**, 3749 Sunbury Alcove, Woodbury, MN 55125, for plaintiff.

Joseph Dudley, Jr. Christopher Boline, **DUDLEY AND SMITH, P.A.**, 101 East Fifth Street, Suite 2602, St. Paul, MN 55101, for defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Katherine Menendez dated November 29, 2016 (Docket No. 24). 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, on all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

**IT IS HEREBY ORDERED** that Geneva's motion to dismiss for lack of jurisdiction [ECF No. 6] is **DENIED**.

Dated: December 20, 2016  
at Minneapolis, Minnesota

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