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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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MY HEALTH, INC., a Delaware corporation,  
Plaintiff  
v.  
SELECTHEALTH, INC., a Utah corporation,  
Defendant

2:15-cv-00105-JAD-GWF

**Order Granting Motion to Dismiss and  
Closing Case [Doc. 34]**

Defendant SelectHealth, Inc. moves to dismiss the complaint for lack of personal jurisdiction and failure to state a claim or to transfer venue to the U.S. District Court for the District of Utah.<sup>1</sup> The motion was filed and served through the court's ECF system on July 28, 2015, and any response was due August 14, 2015.<sup>2</sup> That time has expired and plaintiff has not filed a response. This constitutes consent to the granting of the motion under Local Rule 7-2(d), which states that "[t]he failure of an opposing party to file points and authorities in response to any motion shall constitute consent to the granting of the motion." Accordingly, and with good cause appearing,

It is HEREBY ORDERED that Defendant SelectHealth's Motion to Dismiss or Transfer Venue and Supporting Memorandum of Points and Authorities [Doc. 34] is **GRANTED as to the request to dismiss and DENIED as to the alternate request to transfer venue**. My Health, Inc.'s claims [Doc. 1] are **DISMISSED without prejudice**. The Clerk of Court is instructed to close this case.

Dated this 19th day of August, 2015

  
Jennifer A. Dorsey  
United States District Judge

<sup>1</sup> Docs. 34 (motion), 35–36 (supporting declarations).

<sup>2</sup> See NEV. L.R. 7-2(b) (response points and authorities due 14 days after service of a motion); FED. R. CIV. PROC. 6(d) (three days added when service made through court's ECF system).