

NOT FOR PUBLICATION**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

HALLMARK INDUSTRIES, INC.,

Plaintiff,

v.

HALLMARK LICENSING, LLC,

Defendant.

Civil Action No. 17-4886 (SDW) (LDW)

ORDER

March 23, 2018

WIGENTON, District Judge.

Before this Court is the Report and Recommendation (“R&R”) issued on February 15, 2018 by Magistrate Judge Leda Dunn Wettre (“Judge Wettre”), recommending that Defendant’s Motion to Dismiss for Lack of Personal Jurisdiction and Improper Venue be granted. (ECF No. 16.) Plaintiff Hallmark Industries, Inc. (“Plaintiff”) objected to the R&R on March 1, 2018; Defendant Hallmark Licensing, LLC (“Defendant”) responded to Plaintiff’s objections on March 14, 2018. (ECF Nos. 17-18.)

Review of the R&R, as well as objections to it, are governed by Local Civil Rule 72.1, which provides that the Court “shall make a de novo determination of those portions [of the report and recommendation] to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge.” L. Civ. R. 72.1(c)(2); see also Fed. R. Civ. P. 72(b)(3). This Court has reviewed the R&R and record in this matter, and agrees with Judge Wettre’s analysis and conclusions, which are well-reasoned and supported by the facts and law.

Notwithstanding the R&R, in the interest of justice, this suit will be transferred to the United States District Court for the Western District of Missouri where Defendant maintains its principal place of business. See 28 U.S.C. § 1631 (transfer to cure want of jurisdiction); see also *Harris v. SportBike Track Gear*, No. 13-6527, 2015 WL 12839498, at *5 (D.N.J. June 8, 2015) (“Upon a thorough review of this Circuit’s case law . . . it is clear that the Court may, should it find it to be in the interest of justice, transfer under § 1631 when the Court lacks personal jurisdiction.”).

Based on the foregoing, and for good cause shown, it is hereby

ORDERED that the R&R of Judge Wettre (ECF No. 16) is **ADOPTED** as the conclusions of law of this Court; and it is further

ORDERED that this case be transferred to United States District Court for the Western District of Missouri.

SO ORDERED.

s/ Susan D. Wigenton, U.S.D.J.

Orig: Clerk
cc: Parties
Magistrate Judge Wettre