

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

NATIONWIDE LIFE AND ANNUITY  
INSURANCE COMPANY,

Plaintiff,

vs.

Civil Action 2:12-cv-213  
Judge Smith  
Magistrate Judge King

EDMOND GOLDEN, et al.,

Defendants.

ORDER

On January 7, 2013, the United States Magistrate Judge issued a *Report and Recommendation* recommending that defendants' motions to dismiss be denied and that this action be transferred, pursuant to §§ 1404(a) and 1406(a), to the United States District Court for the Southern District of California. *Order and Report and Recommendation*, Doc. No. 35. The parties were specifically advised of their right to object to the *Report and Recommendation* and of the consequences of their failure to do so. There has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**. The motions to dismiss, Doc. Nos. 13 and 14, are **DENIED**. This case is **TRANSFERRED** to the United States District Court for the Southern District of California.

s/George C. Smith

George C. Smith, Judge  
United States District Court