

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

PROJECTS UNLIMITED, INC.,

Plaintiff,

:

Case No. 3:09-cv-284

-vs-

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

:

ALL TECH ELECTRONICS, INC.,

Defendant.

**DECISION AND ORDER ADOPTING REPORT AND RECOMMENDATIONS AND
SUPPLEMENTAL REPORT AND RECOMMENDATIONS**

This case is before the Court on the Magistrate Judge's Supplemental Report and Recommendations recommending that Defendant's Motion to Dismiss for lack of personal jurisdiction be denied (Doc. No. 19). The time for filing objections to that report expired on January 19, 2010, and none have been filed. The Supplemental Report and Recommendations are accordingly adopted and the Defendant's Motion to Dismiss for lack of personal jurisdiction is denied.

The case is also before the Court on the Magistrate Judge's Report and Recommendations on the other two branches of Defendant's Motion to Dismiss which sought dismissal of the entire case on the basis of forum non conveniens and dismissal of Plaintiff's Fifth and Sixth Claims for Relief for failure to state a claim upon which relief can be granted. The Magistrate Judge recommended denying the forum non conveniens branch of the Motion and granting the Fed. R. Civ. P. 12(b)(6) branch. Neither party who would lose on either of those recommendations objected to them and the time for doing so expired on December 24, 2009. Accordingly, the original Report and

Recommendations on those two branches is adopted.

It is therefore ordered that Defendant's Motion to Dismiss for lack of personal jurisdiction or on forum non conveniens grounds be, and it hereby is denied. It is further ordered that Defendant's Motion to Dismiss Claims Five and Six for failure to state a claim be, and it hereby is, granted.

January 20, 2010.



Walter Herbert Rice
United States District Judge