

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

LLOYD WARD, *et al.* §  
v. § CIVIL ACTION NO. 6:11CV531  
STEPHEN JEFFREY RHODE, *et al.* §

ORDER ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES  
MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contain her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation (document [#28](#)) recommends that the Rule 12(b) Motion to Dismiss for Lack of Personal Jurisdiction, for Improper Venue or Alternatively to Transfer Venue and for Failure to State a Claim Upon Which Relief May be Granted and Alternatively, Defendants' Rule 12(e) Motion for More Definite Statement (document [#7](#)) and Defendant Myvesta Foundation's Rule 12(b) Motion to Dismiss for Lack of Personal Jurisdiction, for Improper Venue or Alternatively to Transfer Venue and for Failure to State a Claim Upon Which Relief May be Granted and Alternatively, Myvesta's Rule 12(e) Motion for More Definite Statement (document [#16](#)) be granted and that the complaint be dismissed without prejudice for lack of personal jurisdiction pursuant to Fed.R.Civ.P. 12(b)(2). No written objections have been filed. The Court therefore adopts the findings and conclusions of the Magistrate Judge as those of the Court.

In light of the foregoing, it is

**ORDERED** that the Rule 12(b) Motion to Dismiss for Lack of Personal Jurisdiction, for Improper Venue or Alternatively to Transfer Venue and for Failure to State a Claim Upon Which

Relief May be Granted and Alternatively, Defendants' Rule 12(e) Motion for More Definite Statement (document [#7](#)) and Defendant Myvesta Foundation's Rule 12(b) Motion to Dismiss for Lack of Personal Jurisdiction, for Improper Venue or Alternatively to Transfer Venue and for Failure to State a Claim Upon Which Relief May be Granted and Alternatively, Myvesta's Rule 12(e) Motion for More Definite Statement (document [#16](#)) are **GRANTED**. It is further

**ORDERED** that the complaint is **DISMISSED** without prejudice for lack of personal jurisdiction pursuant to Fed.R.Civ.P. 12(b)(2). It is finally

**ORDERED** that any motion not previously ruled on is **DENIED**.

So **ORDERED** and **SIGNED** this 27th day of September, 2012.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS**  
**UNITED STATES DISTRICT JUDGE**