

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

PABLO PAZ, *et al.*,

Plaintiffs,

VS.

LIFE TIME FITNESS, INC., *et al.*,

Defendants.

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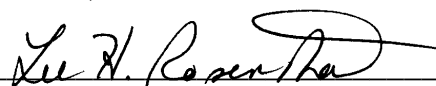
CIVIL ACTION NO. H-09-2804

ORDER

This is a personal injury suit brought by parents individually and on behalf of their minor daughter. The child was injured in June 2008 while attending a summer day camp at a Life Time Fitness facility in Sugarland, Texas. The plaintiffs sued Life Time in state court and Life Time removed to federal court on the basis of diversity jurisdiction. Life Time filed third-party complaints against Gall Construction of America, Ltd. and Acapulco Pools, Ltd., seeking contribution and indemnity for negligent construction of the pool, failure to properly train Life Time, and failure to warn Life Time of potential problems with the pool.

In April 2011, Acapulco moved under Federal Rule of Civil Procedure 12(b)(2) to dismiss the third-party complaint for lack of personal jurisdiction. (Docket Entry No. 33.) After conducting jurisdictional discovery, Life Time responded to the motion to dismiss, (Docket Entry No. 46), and Acapulco replied, (Docket Entry No. 47). Life Time has now withdrawn its opposition to Acapulco’s motion to dismiss. The motion to dismiss is granted. The third-party claims against Acapulco are dismissed, without prejudice, for lack of personal jurisdiction.

SIGNED on March 26, 2012, at Houston, Texas.



Lee H. Rosenthal
United States District Judge