
IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

BRIAN W. STEFFENSEN,

Plaintiff,

vs.

ROBERT B. THELE,

Defendant.

ORDER DISMISSING CASE
WITHOUT PREJUDICE ON
RIPENESS GROUNDS

Case No. 2:06-CV-00412 PGC

The court has received a complaint by plaintiff Brian W. Steffensen, alleging defamatory statements made with deliberate and malicious intent on the part of defendant Robert B. Thele. Mr. Steffensen alleges that Mr. Thele defamed him on numerous occasions by stating, for example, that Mr. Steffenson “was one of ‘the worst attorneys in Utah,’ and the like.” Mr. Steffensen alleges diversity jurisdiction due to the different state residences of the parties and an amount in controversy exceeding \$75,000. Mr. Steffensen seeks \$2.5 million in actual damages and \$5 million in exemplary damages.

The complaint, however, specifically alleges that Mr. Thele made these defamatory statements “on numerous occasions during the month of *June, 2006, and thereafter.*”¹ Mr.

¹Complaint, ¶ 4 (emphasis added).

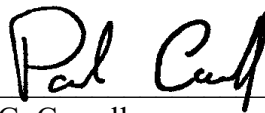
Steffensen filed his complaint on May 19, 2006, over ten days before the start of June 2006.

Since based on the face of the complaint, the alleged date of Mr. Thele's defamatory statements is clearly in the future, none of the allegations in the complaint are ripe for decision.²

Accordingly, this court lacks jurisdiction over the complaint.³ The complaint is therefore DISMISSED without prejudice to refiling if, however, those events come to pass next month in June 2006. The Clerk's Office is directed to close this case.

DATED this 23rd day of May, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul Cassell", written over a horizontal line.

Paul G. Cassell
United States District Judge

²*Texas v. United States*, 523 U.S. 296, 300 (1998) (“A claim is not ripe for adjudication if it rests upon contingent future events that may not occur as anticipated, or indeed may not occur at all.”).

³*Nat'l Park Hospitality Ass'n v. DOI*, 538 U.S. 803, 807 (2003) (“Ripeness is a justiciability doctrine designed to prevent the courts, through avoidance of premature adjudication, from entangling themselves in abstract disagreements.”) (internal quotation marks omitted).