

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 11-cv-01226-WJM-CBS

JACK J. GRYNBERG, d/b/a GRYNBERG PETROLEUM COMPANY,

Plaintiff,

v.

BAR S SERVICES, INC., a Wyoming Corporation,
PATRICIA SMITH, an individual,
GREG K. SMITH, an individual, and
FIRST NATIONAL BANK OF WYOMING

Defendants.

**ORDER GRANTING STIPULATED MOTION TO TRANSFER ACTION TO THE
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF WYOMING AND
GRANTING STIPULATED MOTION TO TRANSFER ESCROW FUNDS**

THIS MATTER is before the Court on the parties' "Stipulated Motion to Transfer the Entire Action to the United States District Court for the District of Wyoming, to the Entry of an Order of Mootness as to Defendant Patricia Smith and Defendant Greg K. Smith's Motion to Dismiss for Lack of Personal Jurisdiction and Waiver of Claim for Attorney Fees, and for an Order of Mediation with Michael J. Sullivan" ("Motion to Transfer Action"), ECF No. 31, as well as the parties' "Stipulated Motion to Transfer all Escrow Funds Held by Defendant First National Bank of Wyoming to Plaintiff Jack J. Grynberg, to Dismiss with Prejudice Defendant First National Bank of Wyoming, and to Dismiss with Prejudice the Fourth Cause of Action of the Complaint – Conversion – Against all Defendants" ("Motion to Transfer Funds"), ECF No. 32. Upon consideration

of these Motions, and finding that all parties have stipulated to the relief requested in the Motions, the Court hereby GRANTS the Motion to Transfer Action and GRANTS the Motion to Transfer Funds.

It is therefore ORDERED:

- 1) Pursuant to 28 U.S.C. § 1404, the entire matter, including all claims for relief remaining in the Complaint and Counterclaim, are transferred to the United States District Court for the District of Wyoming;
- 2) Upon stipulation of the parties, and due to the transfer of this matter to the United States District Court for the District of Wyoming, Defendant Patricia Smith and Defendant Greg K. Smith's motion to dismiss for lack of personal jurisdiction, or alternatively, to transfer the venue of this action to the United States District Court for the District of Wyoming is DENIED as MOOT. Upon stipulation, this Court confirms Defendant Patricia Smith and Defendant Greg K. Smith's have waived any claims against Plaintiff Jack J. Grynberg for attorney fees and costs arising from said motion;
- 3) Defendant Patricia Smith and Defendant Greg K. Smith shall have ten (10) days from the date of service of notice of the acceptance of the transfer by the United States District Court for the District of Wyoming upon its attorney of record Robert G. Pickering to answer or otherwise respond to the Complaint;

- 4) Upon stipulation of the parties, and due to the transfer of this matter to the United States District Court for the District of Wyoming, Defendant Bar S Services, Inc.'s motion to transfer the venue of this action to the United States District Court for the District of Wyoming is DENIED as MOOT;
- 5) Upon stipulation of the parties, the parties are ordered to participate in a voluntary mediation of all claims before the Honorable Michael J. Sullivan, former Governor of Wyoming, in Cheyenne, Wyoming, as soon as is practicable;
- 6) Upon stipulation of the parties, Defendant First National Bank of Wyoming shall transfer by wire the Two Hundred Forty-Two Thousand Dollars (\$242,000.00) in Demand Deposit Account #30014103 to Plaintiff Jack J. Grynberg. Plaintiff Jack J. Grynberg shall designate in writing to Defendant First National Bank of Wyoming the customary wire instructions for transfer of the funds;
- 7) All claims for relief asserted by Plaintiff Jack J. Grynberg d/b/a/ Grynberg Petroleum Company against Defendant First National Bank of Wyoming and Defendant First National Bank of Wyoming are DISMISSED WITH PREJUDICE from this action. All parties shall bear his/its own attorney's fees and costs; and
- 8) The Fourth Cause of Action of the Complaint – Conversion - asserted by Plaintiff Jack J. Grynberg d/b/a/ Grynberg Petroleum Company against

Defendants is DISMISSED WITH PREJUDICE. All parties shall bear his/her/its own attorney's fees and costs.

Dated this 2nd day of August, 2011.

BY THE COURT:



William J. Martinez
United States District Judge