

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Walker D. Miller

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUL - 5 2002

JAMES R. MANSPEAKER
CLERK

Civil Action No. 02-WM-117

THE CONTINUING EPISCOPAL CHURCH and
THE HOLY EASTERN ORTHODOX CATHOLIC AND APOSTOLIC CHURCH IN
NORTH AMERICA, INC.,

Plaintiffs,

v.

MONTGOMERY GRIFFITH, a/k/a MONTGOMERY GRIFFITH-MAIR,
DIRECLYNX INC.,
ANTHONY P. BEGONJA,
SHAVER COMMUNICATIONS, INC., AND
UNITED LAYER, INC.,

Defendants.

ORDER ON RECOMMENDATION OF MAGISTRATE JUDGE

Miller, J.

This matter is before me on the recommendation issued by Magistrate Judge Craig B. Shaffer on June 12, 2002, that the motions to dismiss filed by the individual defendants be granted, that plaintiffs' motion for injunctive relief be denied, and that all other pending motions be denied as moot. Plaintiffs filed a timely objection to certain portions of the recommendation. 28 U.S.C. § 636(b).

I have reviewed *de novo* the record in this case pertinent to the personal jurisdiction issues raised in plaintiffs' objections. I need not resolve those issues, however, because plaintiffs did not object to the recommendation that defendant Griffith's motion to dismiss

for lack of venue be granted.¹ Upon review of the complaint, the venue motion, and the recommendation, I conclude the recommendation should be accepted. It is clear from this record that venue is not proper under either 28 U.S.C. § 1391(b) or § 1400.

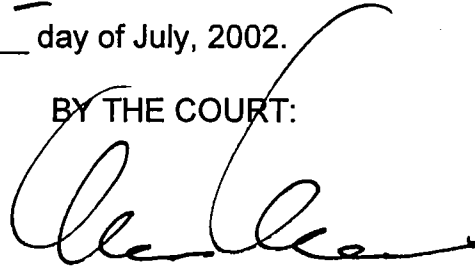
Accordingly, it is ordered:

1. Defendant Griffith's motion to dismiss, filed April 16, 2002 (#85), is granted in part to dismiss this civil action without prejudice for lack of venue. The balance of the motion is denied as moot.
2. Defendant Begonja's motion to dismiss, filed February 27, 2002 (#22/1), is denied as moot.
3. Plaintiffs' motion for interlocutory injunction, filed February 5, 2002 (#4), is denied.
4. Defendant Begonja's motion to strike the motion for interlocutory relief, filed February 27, 2002 (#21), is denied as moot.
5. Defendant Begonja's motion to quash service of process, filed February 27, 2002 (#22/2), is denied as moot.
6. Plaintiffs' motion to strike waiver of service, filed April 12, 2002 (#72), is denied as moot.
7. Plaintiffs' motion for leave to file an amended complaint, filed April 12, 2002 (#73), is denied as moot.
8. Defendant Griffith's motion to prohibit conduct of harassment, filed April 16, 2002 (#88), is denied as moot.
9. This case is dismissed without prejudice for lack of venue.

¹ Plaintiffs also did not object to the recommendation that their motion for injunctive relief be denied or that the remaining motions be denied as moot.

DATED at Denver, Colorado, this 5th day of July, 2002.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Walker D. Miller", written over a horizontal line.

Walker D. Miller
United States District Judge

IN THE UNITED STATES DISTRICT COURT
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Judge Walker D. Miller

CERTIFICATE OF MAILING

Civil Action No. 02-WM-117

Copies of this Order were served by delivery; or depositing the same in the United States mail, postage prepaid, addressed to the persons listed below:

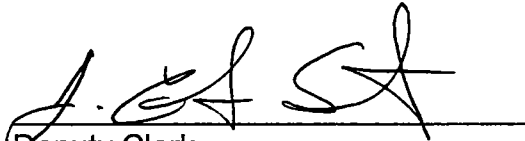
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Colorado Springs, CO 80920

Magistrate Judge Craig B. Shaffer

Dated: July 5, 2002


Deputy Clerk