

FILED
U.S. DISTRICT COURT

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

DISTRICT OF UTAH

CHRISTOPHER JOSEPH TUVELL,
SHERRY LYN TUVELL, individually and as
the heirs of David Christopher Tuvell, and
THE ESTATE OF DAVID CHRISTOPHER
TUVELL,

Plaintiffs,

vs.

BOY SCOUTS OF AMERICA,
PROFESSIONAL ASSOCIATION OF DIVE
INSTRUCTORS ("PADI"), BLUE WATER
SCUBA, LOWELL HUBER, CORBETT
DOUGLAS, and GREAT SALT LAKE
COUNCIL, INC., BOY SCOUTS OF
AMERICA,

Defendants.

vs.

KIM M. LaMOTTE-MALONE, M.D.,
LaMOTTE PEDIATRICS, LLP, doing
business as Anthem Hills Pediatrics, KIM
LaMOTTE-MALONE, M.D. PROF CORP.,
M.P., a minor; MICHAEL PERRY, and
BRIAN K. SHRAWDER,

Third-Party Defendants.

CASE NO.: 1:12-CV-00128
DEPUTY CLERK

Judge Dee Benson

**ORDER GRANTING THIRD-PARTY
DEFENDANTS KIM M. LAMOTTE-
MALONE, M.D., LAMOTTE
PEDIATRICS, LLP, DBA ANTHEM
HILLS PEDIATRICS, KIM LAMOTTE-
MALONE, M.D. PROF CORP., AND
BRIAN K. SHRAWDER'S MOTION TO
DISMISS THE AMENDED THIRD-
PARTY COMPLAINT**

This Court, having considered the Motion to Dismiss the Amended Third-Party Complaint (Docket No. 113) by Third-Party Defendants Kim M. LaMotte-Malone, M.D., LaMotte Pediatrics, LLP, dba Anthem Hills Pediatrics, Kim LaMotte-Malone, M.D. Prof Corp., and Brian K. Shrawder, and any papers submitted in opposition and reply and for good cause appearing,

IT IS SO ORDERED that Third-Party Defendants Kim M. LaMotte-Malone, M.D., LaMotte Pediatrics, LLP, dba Anthem Hills Pediatrics, Kim LaMotte-Malone, M.D. Prof Corp., and Brian K. Shrawder Motion to Dismiss the Amended Third-Party Complaint is GRANTED. Blue Water Scuba, Lowell Huber, and Corbett Douglas' request for jurisdictional discovery is

DENIED. Accordingly, the Amended Third-Party Complaint (Docket No. 105) is hereby dismissed without prejudice as to Kim M. LaMotte-Malone, M.D., LaMotte Pediatrics, LLP, dba Anthem Hills Pediatrics, Kim LaMotte-Malone, M.D. Prof Corp., and Brian K. Shrawder based on lack of personal jurisdiction as to these parties pursuant to Federal Rule of Civil Procedure 12(b)(2).

DATED this 29th day of April, 2014.

BY THE COURT:

A handwritten signature in black ink that reads "Dee Benson". The signature is written in a cursive, flowing style.

Honorable Dee Benson
Federal District Court Judge