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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MICHAEL J. QUILLING, §
§
Plaintiff, §
§
v. § Civil Action No. 3:99-CV-2699-M
§
JAMES W. CONWAY, et al., §
§
Defendants. §

ORDER ADOPTING AND MODIFYING THE FINDINGS AND RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE

After making an independent review of the pleadings, files and records in this case, and the Findings and Recommendation of the United States Magistrate Judge dated July 10, 2000, I am of the opinion that the Findings and Recommendation of the Magistrate Judge are correct and they are adopted as the Findings and Conclusions of this Court, with two modifications. First, although the Court recognizes that Defendants have a legitimate argument that without relation back, limitations bars the claims against them, this Court does not conclude as a matter of law that the Kentucky statute of limitations necessarily bars the Receiver's claims against the Defendants. If the Receiver obtains another reappointment, timely files the appropriate papers in Kentucky and then serves the Defendants, this Court will then, upon proper motion, determine what limitations period is applicable and whether it bars the Receiver's claims.

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Second, the Court finds that the evidence of personal jurisdiction over the Defendants under the Texas long arm statute was not timely submitted by the Receiver, but in any case is insufficient to establish a basis for asserting specific jurisdiction over Defendants in Texas.

The Court further denies the Receiver's request to transfer, which apparently was not made to the Magistrate Judge. This Court finds such relief inappropriate under the circumstances.

ENTERED this 13 day of September, 2000.

BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE