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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

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CRITICAL NURSE STAFFING, INC.,

Plaintiff,

v.

FOUR CORNERS HEALTH CARE  
CORPORATION, a Utah Corporation,  
FOUR CORNERS HEALTH CARE - NM,  
LLC, a New Mexico Limited Liability  
Company,

Defendants.

MEMORANDUM DECISION AND  
ORDER OVERRULING  
OBJECTION OF MAGISTRATE  
JUDGE DECISION

Case No. 2:13-CV-646 TS

District Judge Ted Stewart

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This matter is before the Court on Defendants' Objection of Magistrate Judge Decision. For the reasons discussed below, the Court will overrule the objection.

Under 28 U.S.C. § 636(b)(1)(A) and Rule 72(a) of the Federal Rules of Civil Procedure, the Court reviews a Magistrate Judge's orders on nondispositive matters under a clearly erroneous or contrary to law standard.<sup>1</sup> "The clearly erroneous standard . . . requires that the reviewing court affirm unless it 'on the entire evidence is left with the definite and firm conviction that a mistake has been committed.'"<sup>2</sup>

The Court has carefully reviewed the Magistrate Judge's Order, Defendants' objection thereto, the underlying briefing, and the relevant case law. Having done so, the Court cannot conclude that the Magistrate Judge's decision was clearly erroneous or contrary to law. Further,

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<sup>1</sup> 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a).

<sup>2</sup> *Ocelot Oil Corp. v. Sparrow Indus.*, 847 F.2d 1458, 1464 (10th Cir. 1988) (quoting *United States v. United States Gypsum Co.*, 333 U.S. 364, 395 (1948)).

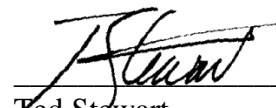
many of the specific arguments raised in Defendants' objection were not presented to the Magistrate Judge and were raised for the first time in the objection. These arguments are deemed waived.<sup>3</sup> It is therefore

ORDERED that Defendants' objection (Docket No. 132) is OVERRULED. Defendants are directed to respond to Plaintiff's Production Request No. 14, as amended by the Magistrate Judge, within ten (10) days of this Order.

Plaintiff's request for attorney's fees and costs in having to file its response to Defendants' objection is DENIED.

DATED this 13th day of June, 2016.

BY THE COURT:



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Ted Stewart  
United States District Judge

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<sup>3</sup> *Marshall v. Chater*, 75 F.3d 1421, 1426 (10th Cir. 1996).