

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 01-cv-01644-REB-CBS

CARTEL ASSET MANAGEMENT, a Colorado corporation,

Plaintiff,

v.

OCWEN FINANCIAL CORPORATION, a Florida corporation;
OCWEN FEDERAL BANK FSB, a subsidiary of OCWEN FINANCIAL CORPORATION and
OCWEN LOAN SERVICING, LLC,

Defendants.

**ORDER ADOPTING RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

Blackburn, J.

This matter is before me on the following: (1) **Defendants' Motion for Leave To Amend Answer To Assert Unclean Hands Affirmative Defense** [#614]¹ filed July 2, 2010; and (2) the magistrate judge's **Recommendation on Defendants' Motion for Leave To Amend Answer To Assert Unclean Hands Affirmative Defense** [#671] filed August 11, 2010. The defendants filed objections [#720] to the recommendation. I overrule the objections and approve and adopt the recommendation.

As required by 28 U.S.C. § 636(b), I have reviewed *de novo* all portions of the recommendation to which objections have been filed, and I have considered carefully the recommendation, objections, and applicable law. On July 2, 2010, the defendants filed their motion [#614] for leave to amend their answer to assert the affirmative defense of

¹ "[#614]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.


unclean hands. The defendants assert that this defense is supported by both the 2004 trial testimony of Walt Coats, the president of the plaintiff, Cartel Asset Management, and by Coat's June 10, 2010, deposition testimony as Cartel's designee under FED. R. CIV. P. 30(b)(6). The magistrate judge recommends that the defendant's motion to amend be denied because the amendment would be futile. The recommendation is detailed and well-reasoned. Finding no error in the magistrate judge's reasoning and recommended disposition, I find and conclude that the arguments advanced, authorities cited, and findings of fact, conclusions of law, and recommendation proposed by the magistrate judge should be approved and adopted. Concomitantly, I find that the defendants' objections [#720] are without merit.

THEREFORE, IT IS ORDERED as follows:

1. That the magistrate judge's **Recommendation on Defendants' Motion for Leave To Amend Answer To Assert Unclean Hands Affirmative Defense** [#671] filed August 11, 2010, is **APPROVED AND ADOPTED** as an order of this court; and
2. That the **Defendants' Motion for Leave To Amend Answer To Assert Unclean Hands Affirmative Defense** [#614] filed July 2, 2010, is **DENIED**.

Dated September 2, 2010, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge