

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 02-cv-01116-LTB-CBS

STEPHEN C. ROTH; and
JEAN E. GUMESON,

Plaintiffs,

v.

MICHAEL F. GREEN, as an individual and in his official capacity;
DENNIS SPRUELL, as an individual and in his official capacity;
MATT BURFFINGTON, as an individual and in his official capacity;
BROOKS BENNETT, as an individual and in his official capacity;
HUGH RICHARDS, as an individual and in his official capacity;
DANNY DUFUR, as an individual and in his official capacity;
JEFF COLEMAN, as an individual and in his official capacity;
TIM ROWELL, as an individual and in his official capacity;
TOM HALPER, as an individual and in his official capacity;
MIKE MEUER, a/k/a MIKE MEUEER, as an individual and in his official capacity;
KEN BRACKETT, as an individual and in his official capacity;
SAM HAGER, as an individual and in his official capacity;
ROY C. LANE, as an individual and in his official capacity;
JERRY MARTIN, as an individual and in his official capacity;
JOEY M. CHAVEZ, as an individual and in his official capacity;
AL BELL, as an individual and in his official capacity;
SYDNEY "DUKE" SCHIRARD, as an individual and in his official capacity;
DALE WOOD, as an individual and in his official capacity;
CITY OF CORTEZ, a public corporation;
CITY OF DURANGO, a public corporation;
DOLORES COUNTY BOARD OF COUNTY COMMISSIONERS, a public corporation;
LA PLATA COUNTY BOARD OF COUNTY COMMISSIONERS, a public corporation;
MONTEZUMA COUNTY BOARD OF COUNTY COMMISSIONERS, a public
corporation;
JOHN DOES 1-50,

Defendants.

ORDER

This case is before me on the Recommendation of the Magistrate Judge that I grant the moving Defendants' Motions for Sanctions pursuant to 28 U.S.C. § 1927 and assess the following attorney fees and costs against Robert J. Mulhern:

1. The Cortez Defendants, for attorney fees of \$6,202.80 and costs of \$346.93 incurred after February 3, 2003;
2. The Durango Defendants, for attorney fees of \$6,505.65 and costs of \$1,647.34 incurred after February 3, 2003; and
3. The Buffington Defendants, for attorney fees of \$12,402.45 and costs of \$1,624.76 incurred after September 10, 2002.

The Magistrate Judge further recommends that Mr. Mulhern be required to pay interest on the foregoing amounts.

The Magistrate Judge finally recommends that Plaintiffs Roth and Gumeson each be required to pay \$1,200.00 in attorney fees pursuant to 42 U.S.C. § 1988.

The Recommendation was issued and served on September 9, 2009. Mr. Mulhern has timely filed “Counsel’s Objections to the Magistrate Court’s Proposed Findings and Recommendations.” In it, he submits specific objections “to all of the Magistrate Court’s findings of fact and recommendations as to sanctions, pursuant to Title 28 of the United States Code, § 1927, against Mr. Mulhern.” Neither the moving Defendants nor Plaintiffs Roth and Gumeson have filed specific objections to the Magistrate Judge’s Recommendations and therefore these parties are barred from *de novo* review. I review the Recommendation *de novo* in light of Mr. Mulhern’s specific objections and the file and record in this case. On *de novo* review, I conclude that the Magistrate Judge’s thorough analysis and reasoning is correct. Accordingly

IT IS ORDERED that the moving Defendants Motions for Sanctions (Doc 124, Doc 126, Doc 131, and Doc 247) are GRANTED as follows:

1. The Cortez Defendants for attorney fees of \$6,202.80 and costs of \$346.93 incurred after February 3, 2003;

2. The Durango Defendants for attorney fees of \$6,505.65 and costs of \$1,647.34 incurred after February 3, 2003; and
3. The Buffington Defendants for attorney fees of \$12,402.45 and costs of \$1,624.76 incurred after September 10, 2002.

IT IS FURTHER ORDERED that Mr. Mulhern pay interest on the foregoing amounts at the legal post-judgment rate.

IT IS FURTHER ORDERED that Plaintiffs Roth and Gumeson pay \$1,200.00 each in attorney fees pursuant to 42 U.S.C. § 1988.

BY THE COURT:

s/Lewis T. Babcock
Lewis T. Babcock, Judge

DATED: September 29, 2009