

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
LEWIS T. BABCOCK, JUDGE**

Civil Case No. 09-cv-01815-LTB-MJW

CHICAGO INSURANCE COMPANY, an Illinois corporation,

Plaintiff,

v.

JAN B. HAMILTON, Ph.D. and
JAN B. HAMILTON d/b/a NUTRITIONAL BIOMEDICINE,

Defendants.

ORDER

This case is before me on the recommendation of the Magistrate Judge issued and served on May 26, 2010 (Doc 138). Plaintiff has failed to file specific written objections to the Magistrate Judge's recommendation and is therefore barred from *de novo* review.

Accordingly, it is

ORDERED that the recommendation is accepted as follows:

1. That Plaintiff Chicago Insurance Company's Motion for Entry of Default Judgment Against Defendants (Doc 84) is GRANTED;
2. That a Clerk's Default enter;
3. That default judgment shall enter in favor of Plaintiff Chicago Insurance Company and against Defendants Jan B. Hamilton, Ph.D., and Jan B. Hamilton d/b/a Nutritional Biomedicine jointly and severally; and

4. The following court declarations are ordered against Defendants Jan B. Hamilton, Ph.D. and Jan B. Hamilton, d/b/a Nutritional Biomedicine relative to the proceedings brought against Defendants Jan B. Hamilton, Ph.D., and Jan B. Hamilton, d/b/a Nutritional Biomedicine by the Colorado State Board of Medical Examiners:
 - i. There is no insurance coverage available under the Policies relative to the proceedings brought against Defendants Jan B. Hamilton, Ph.D., and Jan B. Hamilton, d/b/a Nutritional Biomedicine by the Colorado State Board of Medical Examiners;
 - ii. The Policies do not provide coverage for any loss of income or earnings incurred by Defendants Jan B. Hamilton, Ph.D., and Jan B. Hamilton, d/b/a Nutritional Biomedicine.
 - iii. There is no coverage under the Policies for any attorneys' fees or expenses may have incurred in seeking to set aside a court-issued injunction.
 - iv. There is no coverage under the Policies for any attorneys' fees or expenses Defendants Jan B. Hamilton, Ph.D., and Jan B. Hamilton, d/b/a Nutritional Biomedicine may have incurred relative to proceedings filed with the Colorado State Board of Medical Examiners.
 - v. There is no coverage under the Policies for any attorneys' fees or expenses Defendants Jan B. Hamilton, Ph.D., and Jan B. Hamilton, d/b/a Nutritional Biomedicine may have incurred because she violated

the notice and voluntary payments provisions of the Policies.

- vi. Any fees or expenses incurred by Defendants Jan B. Hamilton, Ph.D., and Jan B. Hamilton, d/b/a Nutritional Biomedicine were incurred without Plaintiff's consent and are precluded from coverage under the Policies.

BY THE COURT:

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

DATED: June 18, 2010